

**AGENDA
PLANNING COMMISSION MEETING
CITY OF SHOREVIEW**

**DATE: AUGUST 22, 2017
TIME: 7:00 PM
PLACE: SHOREVIEW CITY HALL
LOCATION: 4600 NORTH VICTORIA**

**1. CALL TO ORDER
ROLL CALL
APPROVAL OF AGENDA**

2. APPROVAL OF MINUTES
*July 18, 2017 Workshop
July 25, 2017*

3. REPORT ON CITY COUNCIL ACTIONS
*Meeting Date: August 7 and August 21, 2017
Brief Description of Meeting process- Chair John Doan*

4. NEW BUSINESS

A. STANDARD VARIANCE
*FILE NO: 2666-17-19
APPLICANT: Chuck and Angie Maragos
LOCATION: 5076 Lexington Ave*

B. MINOR SUBDIVISION*
*FILE NO: 2667-17-20
APPLICANT: Sean Keatts
LOCATION: 1075 Sherwood Road*

C. STANDARD VARIANCE
*FILE NO: 2665-17-18
APPLICANT: Peter and Shantel Rivard
LOCATION: 212 Owasso Lane E*

5. MISCELLANEOUS

A. City Council Meeting Assignments for *September 5, and 18, 2017* are Commissioners *Mc Cool, and Doan.*

B. Planning Commission Workshop – September 12, 2017 at 7:00 pm

MINUTES
PLANNING COMMISSION WORKSHOP
JULY 18, 2017

The meeting commenced at approximately 7:00 pm.

ROLL CALL

The following Commissioners were present: Commissioners Peterson, Solomonson, Wolfe and Yarusso.

Policy Development Areas

Discussion continued on the Policy Development Areas.

- 3) **5990/5995 Hodgson Road and vacant property.** Questions were raised regarding development plans in the adjoining community to the north, Lino Lakes and how redevelopment north of County Road J will impact land uses, specifically the residential land uses. Members were supportive of the recommendations identified in the Highway Corridor Transition Study but also addressed questioned how some of the residential homes on the nearby local streets would transition and be affected by land use changes at the corner of Hodgson Road and County Road J. Members recommended that the boundaries of the PDA should change and including the homes on the south side of Emil, east of Hodgson Road.
- 4) Turtle Lake Road Neighborhood. Support was received for eliminating this from the PDA's.
- 5) Lakeshore Neighborhoods of Turtle Lake. Members supported leaving the DA as is.
- 6) Town Center. Members supported leaving the PDA as is but did discuss potential impacts of the TCAAP redevelopment in Arden Hills on the land use and master plan for this area.
- 7) Shoreview Commons (Highway 96 Corridor). Members supported incorporating the recommendations of the Highway Corridor Transition Study.
- 8) Gospel Mission Camp/Snail Lake Properties. Commission Members recommended revising the PDA per the Highway Corridor Transition Study but indicated an RH designation may be more suitable than the RL designation. Further, this site with proximity to Highway 96 and Snail Lake frontage could be a strong commercial area. Policies should address livable/walkable community, destination area and potential for medium density residential.

Adjournment

Meeting was adjourned at approximately 9:00 pm

Kathleen Castle, City Planner

C. Community Conversation – Economic Development, September 21, 2017 at
7:30 pm

6. ADJOURNMENT

- * *These agenda items require City Council review or action. The Planning Commission will hold a hearing, obtain public comment, discuss the application and forward the application to City Council. The City Council will consider these items at their regular meetings which are held on the 1st or 3rd Monday of each month. For confirmation when an item is scheduled at City Council, please check the City's website at www.shoreviewmn.gov or contact the Planning Department at 651-490-4682 or 651-490-4680*

**SHOREVIEW PLANNING COMMISSION
MEETING MINUTES
July 25, 2017**

CALL TO ORDER

Chair Doan called the July 25, 2017 Shoreview Planning Commission meeting to order at 7:02 p.m.

ROLL CALL

The following Commissioners were present: Chair Doan; Commissioners McCool, Peterson, Solomonson, Wolfe and Yarusso.

Commissioner Thompson was absent.

APPROVAL OF AGENDA

MOTION: by Commissioner McCool, seconded by Commissioner Yarusso to approve the July 25, 2017 Planning Commission meeting agenda as submitted.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

APPROVAL OF MINUTES

Minutes of June 13, 2017 Workshop

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson to approve the June 13, 2017 Workshop meeting minutes as presented.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

Planning Commission Meeting Minutes June 27, 2017

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson to approve the June 27, 2017 Planning Commission meeting minutes as presented.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Doan**

Nays: None
Abstain: Yarusso

Commissioner Yarusso abstained, as she did not attend the June 27th meeting.

REPORT ON CITY COUNCIL ACTIONS

City Planner Kathleen Castle reported that the City Council approved as recommended the following items forwarded by the Planning Commission from the June 27, 2017 meeting:

- Conditional Use Permit from Moser Homes and Max and Beth Seglar for an accessory structure exceeding 440 square feet at 1265 Sunview Court.
- Site and Building Plan Review from Classic Construction Inc. for replacement of detached garages at Midland Terrace, 3505 Owasso Street.

NEW BUSINESS

VARIANCE

FILE NO.: 2664-17-17
APPLICANT: JOHN MADDEN
LOCATION: 239 NICHOLS CT.

Presentation by Senior Planner Aaron Sedey

This applicant proposes an addition of 201 square feet of additional living space on the home that would have a rear yard setback of 24.8 feet. A variance is needed from the required 30-foot rear setback. The property is an irregular shape with an area of approximately 13,067 square feet. The center point width is 106 feet; the depth of the property at the center point is 103 feet. The property is developed with a two-story single family home with tuck under garage, patios, fence and driveway. The house is also irregular in shape with sawtooth corners. The property is zoned R1, Detached Residential District.

The applicant states that practical difficulty exists as a result of the design of the principal structure and the 1981 addition. The proposal would remove some of the irregular corners on the house and add family indoor living space.

Staff does not believe practical difficulty is present because an addition can be constructed within the required 30-foot rear setback on the east side or northwest corner of the home. The difficulty is the proposed design of the addition. An extension of the home into the rear setback will impact adjacent properties and change the character of the neighborhood because other homes in the neighborhood meet the 30-foot setback.

Notices were sent to property owners within 150 feet of the project site. Two comments were received. One comment was neutral, and one comment stated that it should be up to the neighbor to the west. Staff does not find affirmatively for the variance and recommends denial.

Should the Planning Commission make affirmative findings, a resolution with conditions is provided.

Commissioner Solomonson asked if the 1981 indoor pool addition encroaches into the 30-foot setback. Mr. Sedey stated that the setback for the pool addition is 18'10". In 1996, a handicapped accessible bedroom with bath addition was approved at the same setback. Commissioner Solomonson asked if comments were received from the neighbor to the west. Mr. Sedey explained that the neighbor to the west asked for clarification of the lot line.

Commissioner Solomonson asked about screening to the neighbor to the west. Mr. Sedey stated that there is a 6-foot privacy fence as well as mature trees.

Commissioner Peterson asked if the Code required a 30-foot rear setback in 1981 and 1996. Mr. Sedey responded that the file made no reference to a variance granted at that time.

Commissioner McCool noted a proposed deck that would also encroach the 30-foot rear setback. Mr. Sedey explained that decks are allowed within 10 feet of the rear property line and 5 feet from a side lot line. Commissioner McCool asked the reason the addition is not proposed on the east side where a variance would not be required. Mr. Sedey explained that the design ties into existing living space and is separated from the pool on the opposite side.

Mr. John Madden, Applicant, stated the home was originally built in the 1960s. In 1981, a 1700 square foot pool room was added on the back of the house. The pool room has an irregular shape. Over the last 20 years this home has been in foreclosure four times and has been vacant several years. Over 10 families have lived in the home. He bought the home in 2009 and took on the maintenance that needed to be addressed. The pool space has been converted into a gym that is a play space for his children and children in the neighborhood. Because of the irregular shape, it is a difficult space to plan around. The plan is for an addition that does not look tacked on but is functional. Although the house is big, there are different levels that make it difficult to have functional space. He has contacted every property owner that would be impacted except one, who he has been unable to reach. Neighbors have given unanimous support and signed a petition of support that he submitted to the Commission. The neighbor to the west and other neighbors have written letters of support. Although he understands the impact of a variance, his goal is to create a home that flows and fits together on one level rather than an addition similar to the pool room that was tacked on the back. This design is the most functional plan. Two years ago the yard was re-landscaped. He put in an infiltration basin for water to be collected and flow into a dry pond created in the back yard. This system keeps all water runoff on the property.

Commissioner Peterson expressed his appreciation for the applicant's contact with the neighbors and the explanation that Mr. Madden inherited the rear setback issue with the pool addition. He asked if it is structurally possible to eliminate the existing irregular sawtooth shape of the back of the home. **Mr. Madden** answered that it would be possible but depends on the amount of money he is willing to spend. He stated that particular space has been converted into a loft play area for his children that is used and enjoyed.

Commissioner Solomonson asked if the converted gym will remain and not be used as a pool. **Mr. Madden** answered, yes.

Chair Doan opened discussion to public comment.

Mr. Matthew Myer, 244 Sunset Court, stated he has no problem with the addition because it will not extend further than the existing structure. The home was in a state of disrepair and Mr. Madden has completely changed and improved it. The improvement of this house has improved the feel and quality of the neighborhood. He has no doubt further improvements will be well done.

Mr. John Wedell, 232 Nichols Court, stated that Mr. Madden has rescued the property from collapse. He does architectural work for additions and remodels on homes. The plan that is presented makes a lot of sense. He recommended approval of the variance. Refurbishment and updating is needed on older homes to make them attractive to young people.

Ms. Dusty Ryan, 234 Nichols Court, stated that there were gangs and drug addicts in the house. It has now been revived to a family home which is very exciting. The back bedrooms look out on the lofted former pool area. If the design has to be adjusted, it would close off the windows of the back bedrooms, which would be difficult. The neighbors are in total support. The neighborhood is turning over to young families. The open design proposed is what young families want.

Mr. Stephen Foss, 236 Sunset Court, stated that the location for the addition minimizes the view of it from neighbors to the north. There is a lot of mature vegetation. He does not believe there would be an impact and supports the proposal.

Commissioner Solomonson stated that there has been an encroachment for a long time. The property to the west has a back yard adjoining a side yard. He commended the applicant and his work with the neighbors. The applicant is putting the property to reasonable use. The unique circumstances are the history of the house, the irregular shape of the lot and the corner to the cul-de-sac. The neighbors agree there will not be an adverse impact to the neighbors. For these reasons, he supports the proposal.

Commissioner Peterson stated that the neighborhood has dense trees. He expressed his appreciation for the history and that the property owner is trying to improve the house and the neighborhood. Although he would like to see the encroachment reduced, he understands the cost is likely prohibitive. He supports the variance in light of the history and the unique shape of the property.

Commissioner McCool commended the applicant for rescuing the property. He expressed his appreciation for the communication the applicant has had with his neighbors. This is a uniquely shaped lot with a uniquely shaped house and unique setbacks with a side yard next to a rear yard. The proposed setback is 5 feet less than the required setback, which will not be an impact to neighbors to the rear. He supports the application and reinvestment in this property.

Commissioner Yarusso stated that the unusual circumstance is the effort to right what was done in the past. This is probably the most cost effective way to accomplish that because it is easier to add foundation than to take it out. She also expressed appreciation for working with the neighbors. With the angles of the lots and numbers of trees, the house is not easy to see. It will be aesthetically pleasing to clean up some of the angles on the back side of the house. She expressed her support for the variance.

Commissioner Wolfe agreed with other Commissioners' statements. The openness of the applicant and his work with the neighbors is very positive. He would support the application.

Chair Doan commended the applicant for improving the house and for bringing the neighborhood together. The screening with a 6-foot fence means the addition will not be very material to neighbors. He also supports the variance.

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson to adopt Resolution No. 17-46, approving the variance request to reduce the rear yard setback to 24-feet 8-inches for the proposed 201 square foot addition, submitted by John Madden for the property located at 239 Nichols Court. This approval is subject to the following conditions:

1. The project must be completed in accordance with the plans submitted as part of the Variance application.
2. This approval will expire after one year if a building permit has not been issued and construction commenced.
3. Rainwater shall be collected by gutters and distributed away from neighboring properties.
4. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
5. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. Findings are based on Commissioners' comments pertaining to the criteria for granting a variance.

The applicant proposes to use the property in a reasonable manner that is allowed in the R1 Detached Residential District. There is practical difficulty in that the lot has an irregular shape. The house also is irregular in shape due to its history and previous additions that were created with a building permit, not a variance. The shape of the lot and house as well as previous additions were not caused by the applicant. There is consensus among Commissioners that the proposed addition will not adversely impact adjacent neighbors or alter the character of the neighborhood because of the privacy fence and number of mature trees for screening. Further, there is overwhelming support by neighbors.

Discussion:

Commissioner Solomonson asked if that finding is sufficient. Ms. Castle responded that staff will add detail from the minutes. Chair Doan will review the resolution when he signs it.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

PUBLIC HEARING -TEXT AMENDMENT/SMALL CELL WIRELESS*

FILE NO: 2663-17-16
APPLICANT: CITY OF SHOREVIEW
LOCATION: CITY WIDE

Presentation by City Planner Kathleen Castle

The proposed text amendment to Sections 400 and 600 of the Municipal Code relates to small cell wireless facilities. Small cell wireless sites would be located within a macro site cell area that has high coverage needs or poor site coverage. State law allows small cell wireless equipment to be placed on city-owned infrastructure in public rights-of-way. Cities are allowed to regulate permit requirements. The proposed amendment establishes a permit process and regulations for these facilities. The public hearing is continued from the June 27, 2017 Planning Commission meeting in order to review how state law impacts the City's ordinance.

Section 207.040 (B)(3), the proposed ordinance, deletes language prohibiting wireless facilities in public rights-of-way. Section 405, Right-of-Way Management, is amended to: 1) permit small cell sites within a right-of-way with a permit; and 2) incorporate state law requirements with respect to collocation. Section 405 also includes a City review process that will be done administratively by staff. Criteria identified for review include: 1) health, safety and welfare of residents; 2) compliance with state requirements in Section 405; 3) demonstrated need by the cell provider; 4) collocation considered; and 5) character of the area.

Small cell wireless facilities will be required to meet the following standards:

1. They will be allowed only on poles exclusively designed to accommodate small cell equipment;
2. Color and camouflage:
 - The small cell facility must be integrated into the pole structure itself.
 - Equipment enclosures must be underground unless permitted by the City. If located above ground, certain criteria must be met to blend into the environment.
3. Pole-Mounted:
 - Small cell wireless equipment is prohibited on poles solely designed for street lighting, traffic signals, parking lot lighting, and utility power poles.

- Small cell wireless equipment must be integrated into the pole structure and concealed.

4. The maximum height of a small cell wireless pole is 50 feet.

Ms. Castle introduced Mr. John Svek, City Consultant with SEH; and Mr. Tom Wesolowski, City Engineer, who manages the Right-of-Way Management Ordinance, who were present to answer questions.

Commissioner Solomonson asked where in the ordinance it is indicated that a wood pole must have multiple uses to be considered for collocation. Ms. Castle referred to page 7, item (5)(a) where it states, “Small Cell Wireless Facilities are prohibited on existing poles that have been designed exclusively for use as street lighting, traffic signal systems, parking lot lighting and utility power lines.” The intent is that the pole itself needs to be designed to accommodate small cell wireless equipment. Commissioner Solomonson questioned whether it is clear what can be on a utility pole which carries electric and cable services. Ms. Castle suggested the language be changed to delete the word “power” and use “utility lines.” That change would be made consistently throughout the ordinance.

Commissioner Yarusso referred to page 6, (B) (1) where it states that, “All facilities and hubs shall be camouflaged...”, and page 8, (B)(5)(e) where it states that “Small Cell Wireless Facilities located on poles shall be concealed...”. Her question is if (B)(1) should also state “camouflaged or concealed.” The two conflict and (B)(1) would be stronger if it stated “camouflaged or concealed.”

Commissioner McCool referred to page 8 (B)(5)(f), which states the maximum number of poles per small cell facility is one. He asked if there should be City discretion as to how many providers may be on a pole rather than one pole for each resulting in a lineup of poles in one area. He also asked if there is a required setback for the poles. Ms. Castle explained that there is a revised text that states, “unless said pole is approved for collocation of more than one small cell facility.” Potentially the poles would be 50 feet tall with opportunity for collocation. The City would prefer not to have a proliferation of poles in the right-of-way. Need must be demonstrated which will dictate placement of the poles.

Commissioner Solomonson questioned the meaning of camouflage and what can be on the pole. Referring to the previous presentation of pictures shown comparing Oakland to San Francisco, there was a tangle of wires and equipment on the Oakland poles. **Mr. John Svek, SEH, Telecommunications Manager**, responded that most carriers understand that cities will not allow what happened in Oakland. The poles in Oakland were among the first ever constructed. He referred to (B)(4)(b) which states that, “Equipment enclosures shall be located in underground vaults, unless the City determines an above-grade installation is appropriate for the site.” The City will dictate where the equipment will be placed and how it will be placed to conceal it as much as possible.

Commissioner Solomonson stated that his concern is whether the language is strong enough to enforce what cannot be put on a pole so that the equipment is camouflaged. Ms. Castle referred to page 8, (B)(5)(e), “Concealment. Small Cell Wireless Facilities located on poles shall be con-

cealed, placed inside the pole structure and have no exposed hardware or equipment.” Also page 6, (B)(1) addresses this issue and provides that “... All facilities and hubs shall be designed to minimize the visual impact and, in the sole discretion of the City, so appear compatible with the surroundings:”

Commissioner McCool suggested a new provision, (B)(1)(d) on page 6 to provide criteria for scale and size.

City Attorney Beck stated that proper notice has been given for the public hearing.

Chair Doan opened the public hearing continued from the June 27, 2017 Planning Commission meeting. There were no comments or questions from the public.

MOTION: by Commissioner Solomonson, seconded by Commissioner McCool to close the public hearing at 8:19 p.m.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

Commissioner Solomonson noted a correction to page 8, (B)(5)(g) where the sentence should begin with “The.” He agreed with Commissioner McCool to add a provision on scale and size criteria.

MOTION: by Commissioner Solomonson, seconded by Commissioner Peterson recommend the City Council approve the attached ordinance amending Section 207.040 permitting small cell wireless facilities in the public right-of-way and Section 405, Right-of-Way Management, allowing said facilities in the public right-of-way provided certain conditions are met, including an added provision for scale and size criteria and edits of Commissioners.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

MISCELLANEOUS

City Council Meetings

Chair Doan and Commissioner Thompson are respectively scheduled to attend the August 7th and August 21st City Council meetings.

Community Conversation

A Community Conversation on Land Use and Development in the Comprehensive Plan is scheduled for Thursday, August 10, 2017.

Planning Commission Workshop

A workshop meeting on the Comprehensive Plan is scheduled for the Planning Commission on August 8, 2017. Chair Doan and Commissioner Peterson stated they would be unable to attend. It was noted that a quorum of four Commissioners is needed for a workshop meeting. Commissioners McCool, Solomonson, Wolfe and Yarusso indicated they would be able to attend on the 8th.

Ms. Castle referred Commissioners to a table that is posted in Google Document shared file that lists the Policy Development Areas (PDAs) in the Comprehensive Plan being considered for change with the rationale. Commissioners were encouraged to review the table before the workshop meeting. Commissioners unable to attend this or any workshop were encouraged to send any comments they have to staff. After the PDAs are completed, a draft chapter needs to be completed by the Planning Commission by September 2017.

Economic Development and Planning Associate Niki Hill urged Commissioners to check out the new website on the Comprehensive Plan at destination.shoreviewmn.gov.

ADJOURNMENT

MOTION: by Commissioner Solomonson, seconded by Commissioner Wolfe to adjourn the meeting at 8:34 p.m.

VOTE: **Ayes: McCool, Peterson, Solomonson, Wolfe, Yarusso, Doan**
 Nays: None

ATTEST:

Kathleen Castle
City Planner

TO: Planning Commission

FROM: Aaron Sedey Associate Planner

DATE: August 17, 2017

SUBJECT: File No.2666-17-19, Variance: Chuck & Angie Maragos, 5076 Lexington Ave

INTRODUCTION

Chuck and Angie Maragos submitted an application asking for variance to the front yard setback requirements for the construction of new single family home to be located at 5076 Lexington Ave. The property is a standard riparian lot on the west side of Turtle Lake and property is currently developed with a one story house and attached garage. The applicants propose the demolition of the existing home and garage, followed by the construction of a new one story home and attached garage. The Maragos submitted the following variance request:

1. Variances

- a. To reduce the front yard setback range of 605.95 to 625.95 feet; 583.5 feet proposed.

PROJECT DESCRIPTION

The subject property is standard riparian lot located in the RE (40) – Residential Estate 40,000 District on the West side of Turtle Lake. The property is also in the Shoreland Overlay District. The lot area is 101,280 square feet above the OHWL, with a width of 129 feet along Lexington Ave and a centerpoint depth of approximately 842 feet to the OHWL. The lot is generally flat but slopes down quickly approximately 50’-70’ from the OHWL to the lakeshore. The current home was built in 1956 and has an estimated area of 2,376 square feet with an attached two stall garage.

The applicant proposes to remove the current structures and build a one story home with a foundation area of 2,515 square feet, and 985 square feet for an attached garage. The proposed home would be in a position similar to the current home, but would require a front yard setback variance. The current home setback is approximately 581 feet from the front property line.

The proposed home will be a one story walk out that will be approximately 27 feet in height. The setback from the OWHL is 104 feet to the home. There will be minimal grading because the house will occupy a similar “L” shaped spot and a layout as the current home. The impervious surface will not change and will be 12.9% of the lot.

The character of the neighborhood is made up residential dwellings that are similar in style as the current and proposed home, a majority of these are made up of one story walkouts. The neighbor directly north has smaller home which is a result of a narrow lot, but the proposed home is comparable to other homes in size and style.

DEVELOPMENT CODE REQUIREMENTS

The property is located in the RE(40) Residential Estate 40,000 District. The lot is a standard lot since meeting the requirements of width, depth and lot area. Code States 205.081(C)(3)(a) the

minimum required front yard setback is at least 25-feet but in no event more than 40-feet. However, in those cases where the existing setbacks for the two adjacent dwellings exceed this requirement, the setback of the new dwelling shall be equal to the average setback of the adjacent dwellings, plus or minus 10 feet (Code Section 205.080 (D)(1)(g)(i)). It has been the City's past practice to apply this section to standard lakeshore properties.

Variance Criteria (Section 203.070)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Development Code. Practical difficulty is defined and reviewed using these criteria:

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood.

APPLICANT'S STATEMENT

The applicant states that practical difficulty is due the unique circumstances present with the size and length of their lot and the irregularity of the adjacent properties due to the natural geography of the lake.

STAFF REVIEW

Staff concurs with applicant that site characteristics and character of the neighborhood creates a practical difficulty.

1. *Reasonable Manner.* The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations. The use of this property for a single family residence is reasonable and consistent with comprehensive plan land use designation and RE(40) zoning district. The proposed home is being placed in the same general location as the existing home. Staff believes the proposal represents reasonable use of the property.
2. *Unique Circumstances.* The plight of the property owner is due to circumstances unique to the property not created by the property owner. Unique circumstances are present and cause practical difficulty. The lot size and the shores of Turtle Lake curving creates setback issues with the averaging of the adjacent lots. Staff believes that unique circumstances are tied to the lot and natural topography of the Turtle Lake.
3. *Character of Neighborhood.* The variance, if granted, will not alter the essential character of the neighborhood. The applicant is proposing to rebuild on the property with a new home that is in scale with the neighborhood and the standard lot it will occupy. The design of the home is comparable to the current home, as it is one story with a walkout

basement, as are the surrounding homes in the neighborhood with comparable in size and style. Staff's opinion that the variances will not have an adverse affect on the character of the neighborhood.

VEGETATION AND WOODLANDS

In 2016, the City became aware that the woodlands on the property were removed and part of the property was regraded. Attached are two aerials, one which shows the conditions prior to the tree removal and one which shows the conditions afterwards. Eight landmark Oak trees remain on the property.

The City informed the property owner that this work required a grading permit. Per Code Section 209.050 (B)(3)(a), any single-family residential development that requires a building permit or land use approval is subject to the City's tree replacement requirements. Further, the Shoreland Management Ordinance, 209.080 (G) also restricts the removal of trees in shore impact zones, bluff impact zones and steep slopes, which will need to be replace at a ratio of 3:1 on the lake side.

The submitted survey does identify some trees that previously existed on the property, including landmark trees, however, this is not a complete tree inventory. On the lakeside, there is a steep slope and the survey submitted identifies three landmark trees. It is difficult to identify the replacement trees required since the trees have been removed. For residential properties that have a lot area over 40,001 square feet, landmark trees are required to be replaced at a ratio of 3:1.

The City's Natural Resource Specialist did review the proposed landscape plan and applied some assumptions regarding tree removal based on the vegetative conditions present on a nearby property. Per this analysis, 19 additional trees are required to be planted on the property. Nine of these trees will need to be placed on the lakeside of the home to replace the three landmarks removed.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of the property owners who are seeking certain land use approvals through the City. The applicants have identified they will use Architectural Mass. Also a shoreline buffet restoration will be part of the landscaping plan as well as rain gardens off of downspouts. The applicants are required to enter into a Mitigation Agreement with the City.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. No comments have been received.

STAFF RECOMMENDATION

In Staff's opinion, practical difficulty is present due to the site characteristics of the property. Staff is supportive of the proposed variance. The staff is recommending the Commission hold the hearing and adopt Resolution 17-51 approving the variance request subject to the following conditions:

1. The proposed home must be setback 583.5 feet from the road.

2. The first twenty feet of the driveway from the front property line must be concrete or asphalt.
3. The Landscape Plan shall be revised by adding a minimum of 19 more trees. If the proposed trees exceed the minimum size requirements, then credit may be given as stated by the Natural Resource Specialist in her memo dated August 14, 2017. Nine trees shall be placed on the lakeside of the dwelling
4. The applicant shall submit a tree replacement escrow in the amount of \$4,750 (19 trees x \$250).
5. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
6. This approval will expire after one year if a building permit has not been issued and construction commenced.
7. Material storage and construction vehicle parking shall be limited to the subject property.
8. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
9. Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
10. A building permit must be obtained before any construction activity begins.
11. This approval is subject to a 5-day appeal period.

Attachments:

- 1) Location Map
- 2) Applicant's Statement and Submitted Plans
- 3) Mitigation Affidavit
- 4) Comments
- 5) Resolution No. 17-51
- 6) Motion



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries

400.0 0 200.00 400.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description

7.19.2017

TO: City of Shoreview
Planning Commission

From: Charles & Angeline Maragos
5076 Lexington Ave

We are writing this Letter of Intent to the planning commission and City Council of Shoreview for a variance from the City code deviating from the front setback requirement. Also, outlining our Shoreline Mitigation Plan as required by the Overlay District.

We are proposing a new home to be built at 5076 Lexington ave. We are working with Santanni Custom Homes, E.G. Rud & Sons Surveying Inc, & Mcgrane Inc (landscaper) to design and place the new structure. We have done our best to abide by all codes, bylaws, and covenants. Despite our best efforts there is a front setback variance needed with the proposed building application. We have worked in advance with Aaron Sedey associate planner to help guide us through this process and prepare for the request.

C. Practical Difficulties:

Our proposed home is currently 583.5 feet east of Lexington. However, the code dictates the new building to be an average of the 2 adjacent homes, which, would further this distance to 605.5-625.5 feet from the main road.

i. **"Reasonable Manner:"**

Throughout the planning of this new home we have remained within all side and rear setbacks. We used the calculations necessary to remain within code on the back of the home to not encroach on the view of the lake and disrupt our neighbors. Also, we are proposing to use the property in a reasonable manner for a single family home that will significantly improve the property and community.

ii. **"Unique Circumstance:"**

We have a "unique circumstance" due to the size/length of our lot and the irregularity of the adjacent properties due to the natural geography of the lake. The property and properties adjacent have circumstances not created by the property owners, thus, requiring the variance to proceed.

iii. **"Character of the Neighborhood:"**

We intend to significantly improve the property by building the proposed single family dwelling. The design of the home, landscaping, and retaining walls will positively impact the neighborhood and further invest in the great Shoreview community. We believe this project will have negligible impact to the neighbors and watershed.

(1.) Shoreline Mitigation: Chapter 200

The parcel in question lies within the Overlay District of Shoreline Mitigation. We intend to mitigate using the following methods:

(b) Vegetation Restoration: We intend to use practices that do not impact the lake and will provide finished landscaping that will reduce the visual impact on all sides of the home. Also, we intend to use rain gardens at the downspouts on the lake side of the home.

(iii) Shoreline Buffer Restoration: Our landscape plans will a buffer zone 25' parallel to the ordinary high water mark. It's currently vegetated and will be maintained throughout the build. Also we have applied erosion control, which, will be maintained throughout construction.

(C) Architectural Mass: The current home is proposed to use Shake style siding, which will be painted an earth (natural) tone color to further reduce visual impact.

We look forward to working with the Planning Commission and City Council to improve this property and continue our residency in Shoreview.

Thank you for your consideration
Sincerely,

Charles & Angeline Maragos

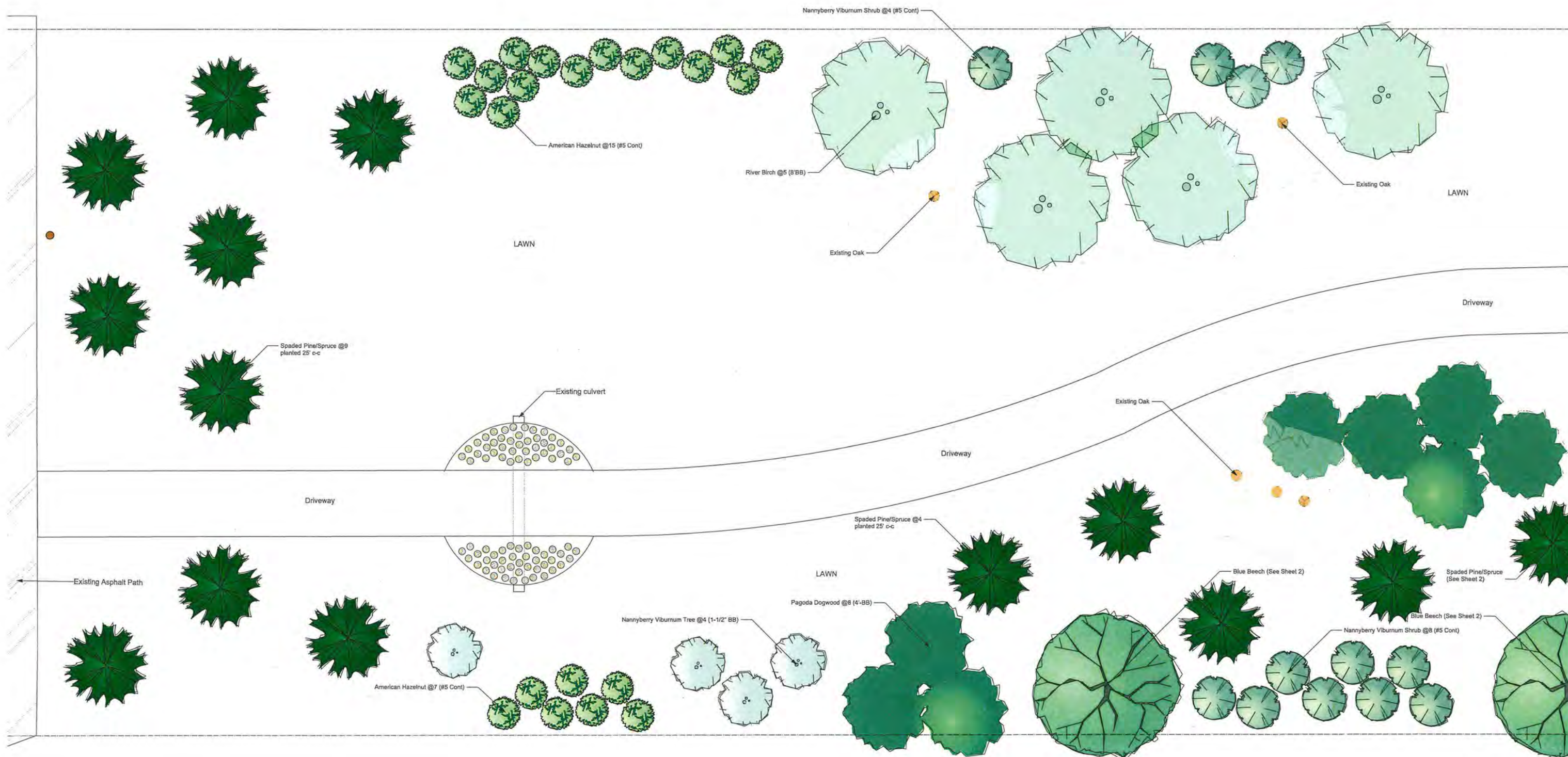


Maragos Residence

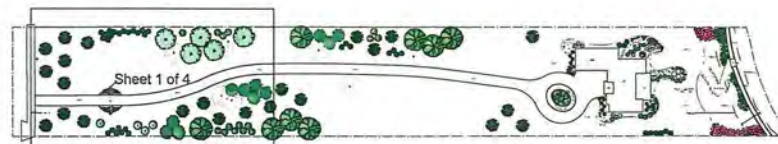
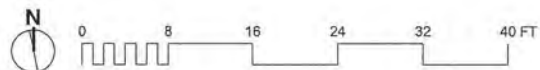
5076 Lexington Ave. N., Shoreview, MN 55126

Date: 01AUG17 Designer: Craig Trenary

Maragos Residence Plant Specifications			
Qty	Common Name	Botanical Name	Size
Groundcover			
3100sf	Little Bluestem Seeding	Schizachyrium scoparius	Seed
Ornamental Grass			
5	Flame Miscanthus Grass	Miscanthus sinensis 'Purpurascens'	#1 C
110	Foerster's Feather Reed Grass	Calamagrostis x acutiflora 'Karl Foerster'	#1 C
4	Prairie Dropseed	Sporobolus heterolepis	#1 C
Perennials			
10	Mr Goodbud Sedum	Sedum spectabile 'Mr Goodbud'	#1 C
12	Patriot Plantain Lily	Hosta x 'Patriot'	#1 Cont
41	Stella de Oro Daylily	Hemerocallis 'Stella de Oro'	#1 C
Shrubs			
13	Taunton Yew	Taxus x media 'Taunton'	#5 Cont
29	American Hazelnut	Corylus americana	#5 Cont
18	Andorra Juniper	Juniperus horizontalis 'Plumosa Compacta'	#5 Cont
7	Annabelle Hydrangea	Hydrangea, Annabelle	#3 C
1	Compact Burning Bush	Euonymus alatus 'Compactus'	#5 C
104	Dwarf Bush Honeysuckle	Diervilla lonicera	#2 C
7	Gro-Low Sumac	Rhus aromatica 'Gro-Low'	#2 Cont
4	Little Devil Ninebark	Physocarpus opulifolius 'Little Devil'	#2 C
3	Miss Kim Lilac	Syringa patula 'Miss Kim'	#5 C
15	Nannyberry Viburnum	Viburnum lentago	#5 Cnot
11	Pagoda Dogwood	Cornus alternifolia	6' BB
3	Quick Hydrangea	Hydrangea paniculata 'bulk'	#5 C
62	Red Gnome Dogwood	Cornus alba siberica 'Red Gnome'	#2 C
9	Techny Arborvitae	Thuja occidentalis 'Techny'	#7 C
11	Tor Spirea	Spirea betulifolia 'Tor'	#2 C
Trees			
8	Blue Beech	Carpinus caroliniana	2" BB
2	Japanese Tree Lilac	Syringa reticulata	8' BB
4	Nannyberry Viburnum Tree	Viburnum lentago	1-1/2" BB
5	River Birch	Betula nigra	8' BB
1	Skyline Honeylocust	Gleditsia tricanthos 'skycole'	3" BB
23	Spaded Evergreen	White Pine or Black Hills Spruce	12-14'



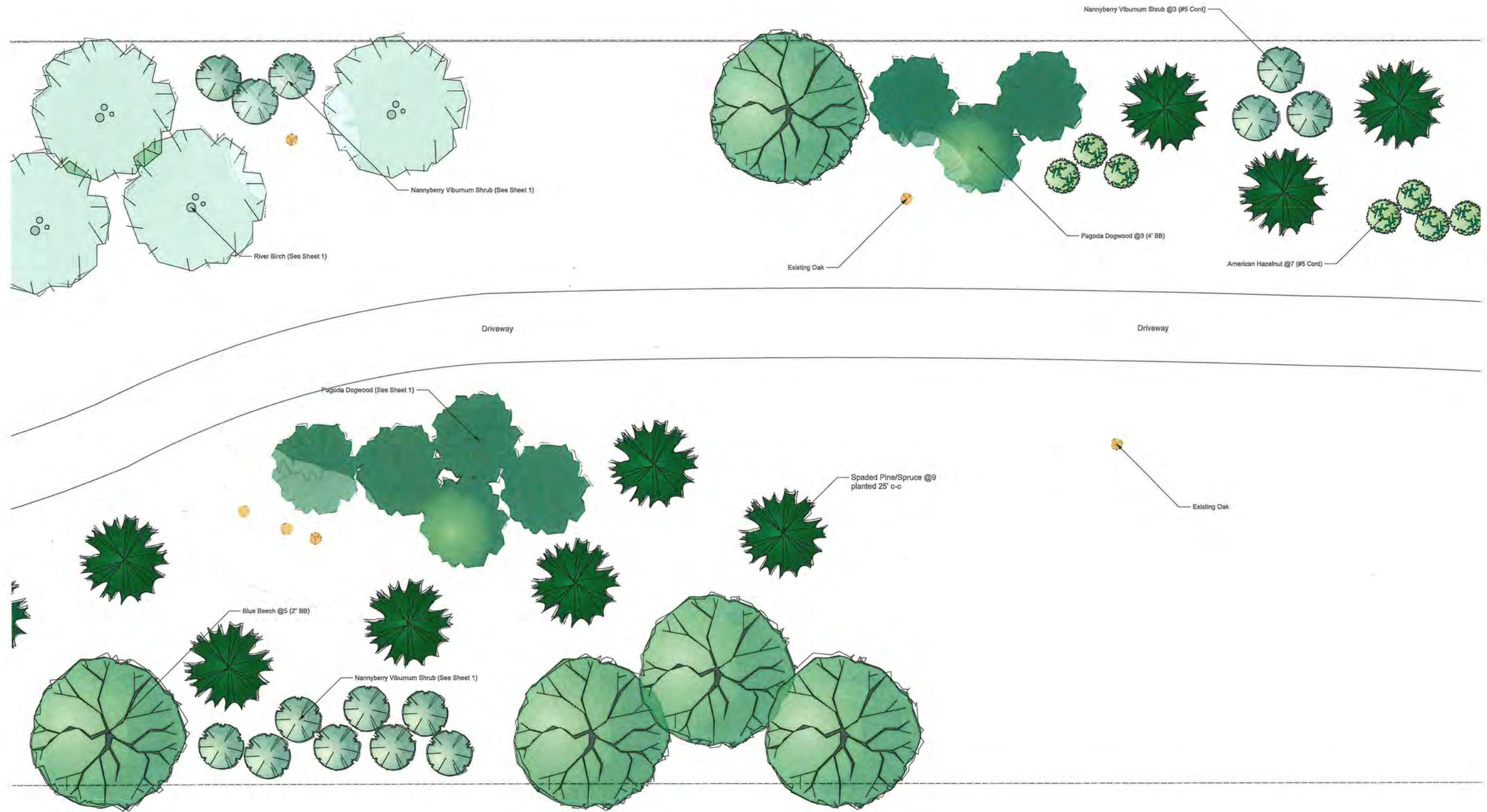
Maragos Residence
 5076 Lexington Ave. N., Shoreview, MN 55126
 Date: 01AUG17 Drawn by: Craig Trenary
 Scale: 1"=8' Rev Date:



1 Proximity Key
 Scale: 1"= 100 ft

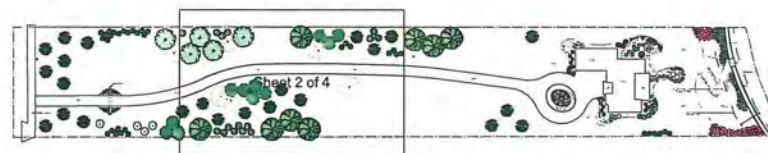
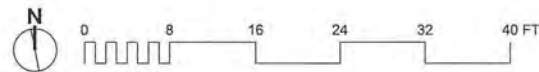
© 2017 Terra Forma Design, LLC
 This plan or any portion of this plan may not be copied, reproduced or used without written permission and authorized release signature. Any use of this plan without the aforementioned documentation is a violation of copyright law and may result in legal prosecution of any and all parties involved. In the event that a third party desires to acquire a release of the copyright, it may be released by the third party contacting Terra Forma Design to acquire a copy and release. Errors may occur in the transmission of electronic files. Terra Forma Design is not responsible for any claims, damages or expenses arising out of unauthorized use of the information contained in the electronic files. Electronic files may not accurately reflect the final design conditions. It is the responsibility of the user to verify all layouts, dimensions and other related information. These plans are available for limited review and evaluation by clients, consultants, contractors, government agencies and vendors only in accordance with this notice.

Signature: _____ Date: _____
 Release is not valid without authorized signature and plan release form



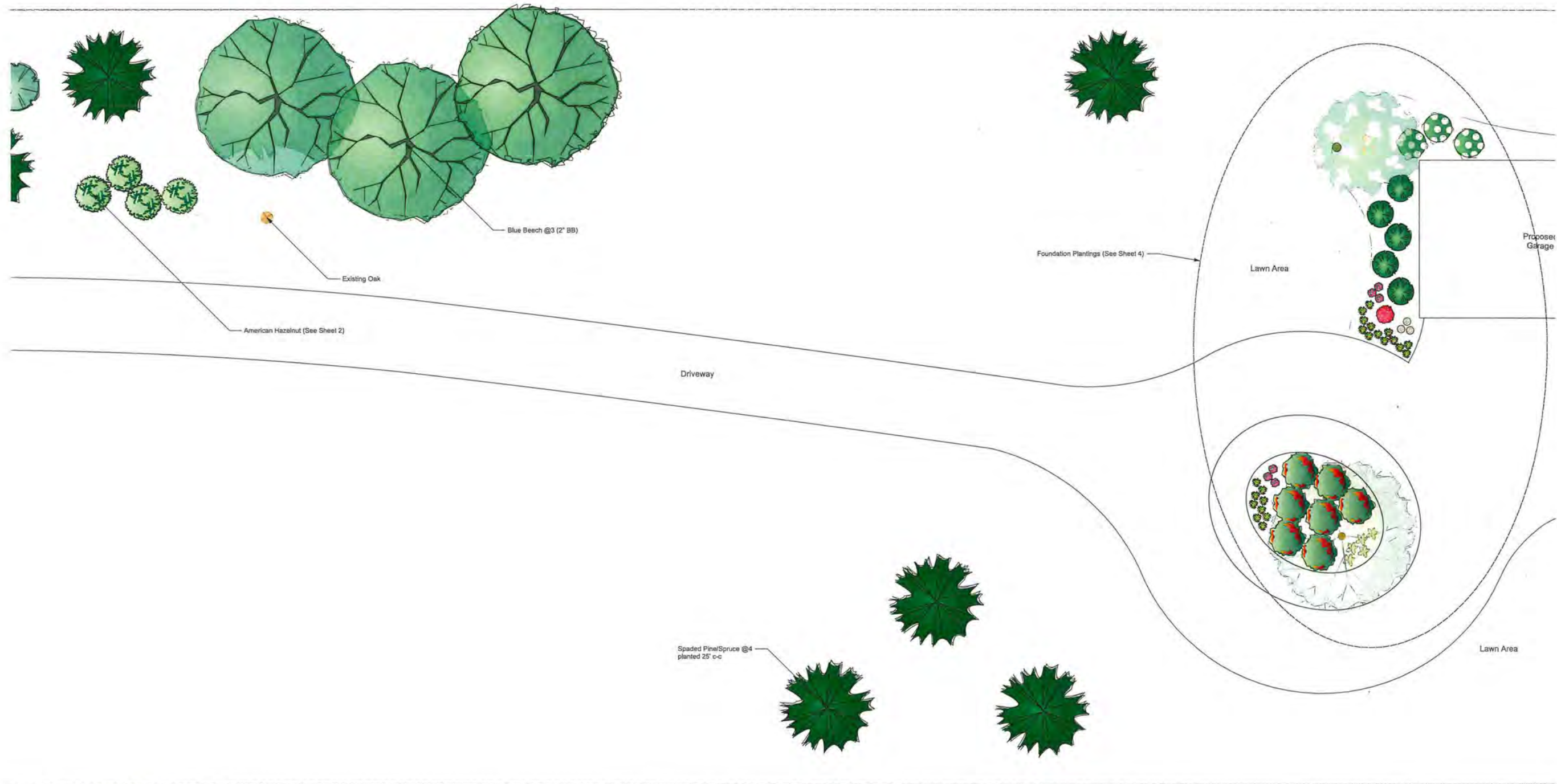
Maragos Residence
 5076 Lexington Ave. N., Shoreview, MN 55126
 Date: 01AUG17 Drawn by: Craig Trenary
 Scale: 1"=8' Rev Date:

Sheet 2 of 4



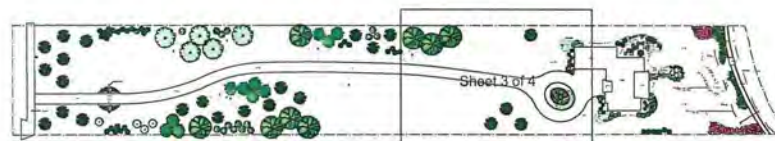
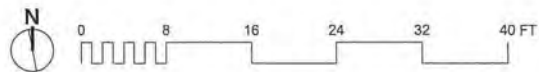
1 Proximity Key
 Scale: 1"= 100 ft

© 2017 Terra Forma Design, LLC
 This plan or any portion of this plan may not be copied, reproduced or used without written permission and authorized release signature. Any use of this plan without the aforementioned documentation is a violation of copyright law and may result in legal prosecution of any and all parties involved. In the event that a third party desires to acquire a release of the copyright, it may be released by the third party contacting Terra Forma Design to acquire a copy and release. Errors may occur in the transmission of electronic files. Terra Forma Design is not responsible for any claims, damages or expenses arising out of unauthorized use of the information contained in the electronic files. Electronic files may not accurately reflect the final design conditions. It is the responsibility of the user to verify all layouts, dimensions and other related information. These plans are available for limited review and evaluation by clients, consultants, contractors, government agencies and vendors only in accordance with this notice.
 Signature: _____ Date: _____
 Release is not valid without authorized signature and plan release form



Maragos Residence
 5076 Lexington Ave. N., Shoreview, MN 55126
 Date: 01AUG17 Drawn by: Craig Trenary
 Scale: 1"=8' Rev Date:

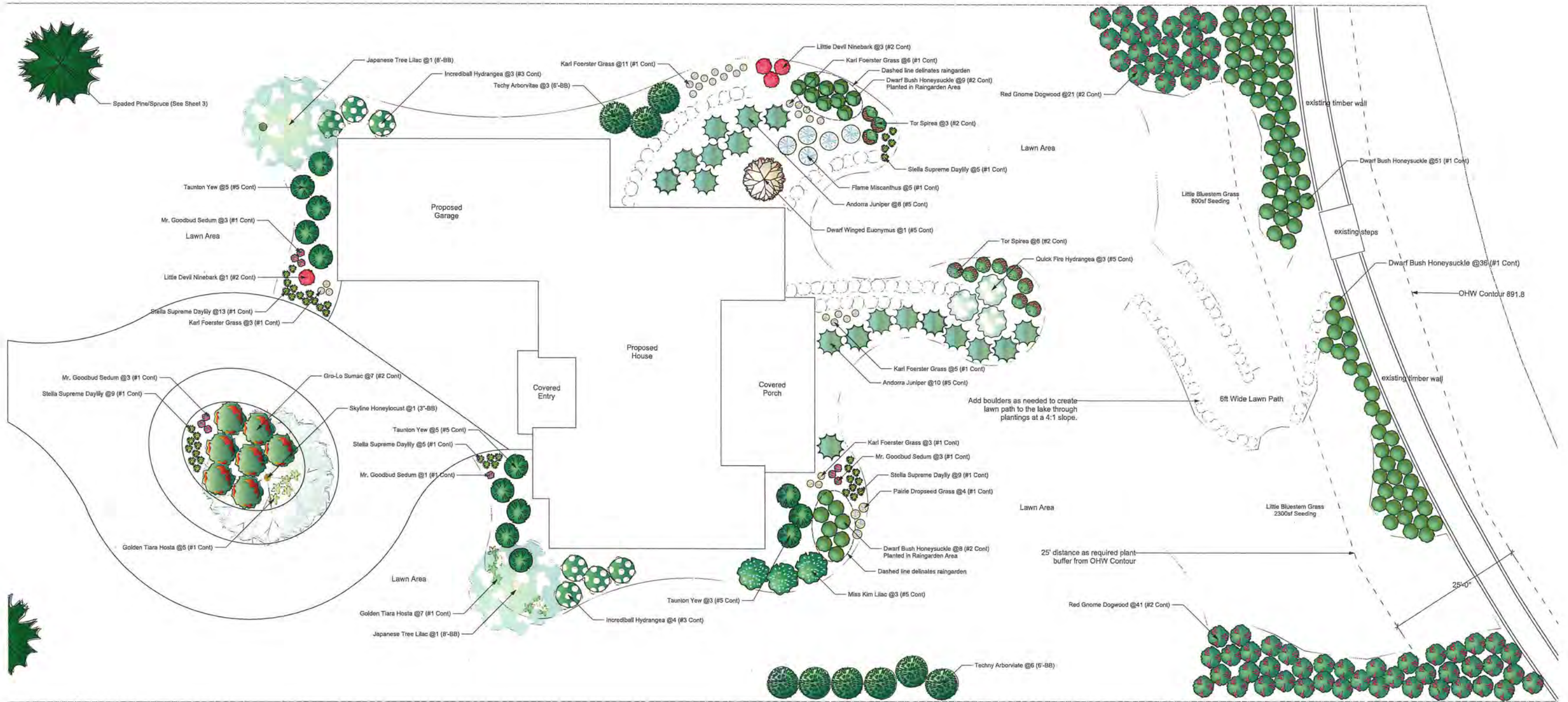
Sheet 3 of 4



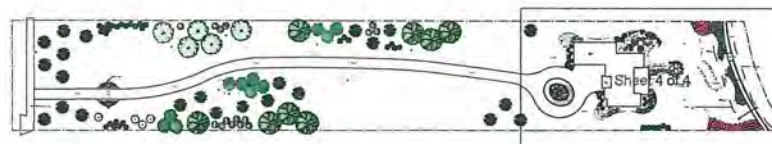
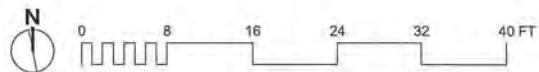
2 Proximity Key
 Scale: 1"= 100 ft

© 2017 Terra Forma Design, LLC
 This plan or any portion of this plan may not be copied, reproduced or used without written permission and authorized release signature. Any use of this plan without the aforementioned documentation is a violation of copyright law and may result in legal prosecution of any and all parties involved. In the event that a third party desires to acquire a release of the copyright, it may be released by the third party contacting Terra Forma Design to acquire a copy and release. Errors may occur in the transmission of electronic files. Terra Forma Design is not responsible for any claims, damages or expenses arising out of unauthorized use of the information contained in the electronic files. Electronic files may not accurately reflect the final design conditions. It is the responsibility of the user to verify all layouts, dimensions and other related information. These plans are available for limited review and evaluation by clients, consultants, contractors, government agencies and vendors only in accordance with this notice.

Signature: _____ Date: _____
 Release is not valid without authorized signature and plan release form



Maragos Residence
 5076 Lexington Ave. N., Shoreview, MN 55126
 Date: 01AUG17 Drawn by: Craig Trenary
 Scale: 1"=8' Rev Date:



© 2017 Terra Forma Design, LLC
 This plan or any portion of this plan may not be copied, reproduced or used without written permission and authorized release signature. Any use of this plan without the aforementioned documentation is a violation of copyright law and may result in legal prosecution of any and all parties involved. In the event that a third party desires to acquire a release of the copyright, it may be released by the third party contacting Terra Forma Design to acquire a copy and release. Errors may occur in the transmission of electronic files. Terra Forma Design is not responsible for any claims, damages or expenses arising out of unauthorized use of the information contained in the electronic files. Electronic files may not accurately reflect the final design conditions. It is the responsibility of the user to verify all layout, dimensions and other related information. These plans are available for limited review and evaluation by clients, consultants, contractors, government agencies and vendors only in accordance with this notice.
 Signature: _____ Date: _____
 Release is not valid without authorized signature and plan release form

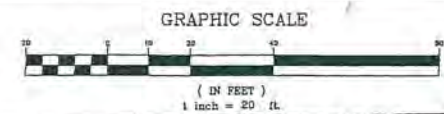
SKETCH PLAN

~for~ CHUCK AND ANGIE MAROGOS

Current Home

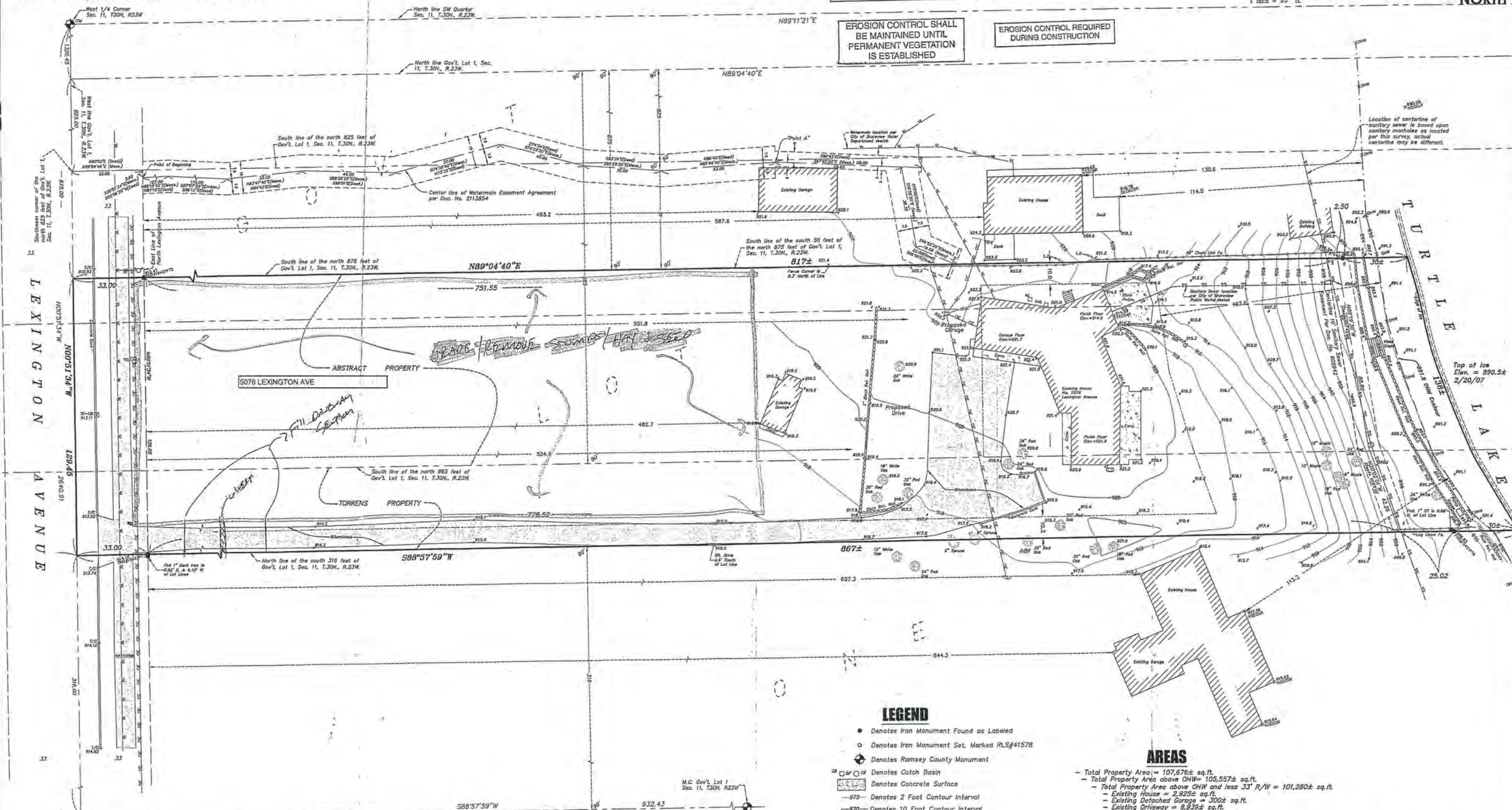
CITY WILL HOLD \$ 1000 SURETY FOR Erosion Control

NO SOIL OR MATERIAL SHALL REACH Street/Adjacent Property



EROSION CONTROL SHALL BE MAINTAINED UNTIL PERMANENT VEGETATION IS ESTABLISHED

EROSION CONTROL REQUIRED DURING CONSTRUCTION



Location of centerline of sanitary sewer is based upon sanitary manholes as located per this survey, actual centerline may be different.

Top of Ice Elev. = 890.5± 2/20/07

LEGEND

- Denotes Iron Monument Found as Labeled
- Denotes Iron Monument Set, Marked RLS#41578
- ⊕ Denotes Ramsey County Monument
- or ○ Denotes Catch Basin
- ▭ Denotes Concrete Surface
- 972— Denotes 2 Foot Contour Interval
- 970— Denotes 10 Foot Contour Interval
- ⊞ Denotes Electric Box or Transformer
- ⊞ Denotes Fire Hydrant
- ⊞ Denotes Water valve
- ⊞ Denotes Air Conditioner
- ⊞ Denotes Gas Meter
- ⊞ Denotes Light Pole
- ⊞ Denotes Power Pole
- ⊞ Denotes Sanitary Sewer Manhole
- ⊞ Denotes Sanitary Sewer
- ⊞ Denotes Telephone Box
- ⊞ Denotes Overhead Electric
- oc— Denotes Overhead Cable

AREAS

- Total Property Area = 107,676± sq.ft.
- Total Property Area above OHW = 105,557± sq.ft.
- Total Property Area above OHW and less 33' R/W = 101,280± sq.ft.
- Existing House = 2,825± sq.ft.
- Existing Detached Garage = 302± sq.ft.
- Existing Driveway = 8,839± sq.ft.
- Existing Concrete = 922± sq.ft.

NOTES

ORDINARY HIGH WATER MARK ELEVATION = 891.8
 Orientation of this bearing system is based upon the Ramsey County Coordinate System, NAD83.
 Topographic Survey prepared by Midwest Land Surveying with a revision date of 2-26-07 used as a base map on this Certificate of Survey.
 This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

PROPERTY DESCRIPTION

Government Lot 1, Section 11, Township 30, Range 23, except the North 875 feet thereof, and except the South 316 feet thereof, subject to Lexington Avenue.

BENCHMARK

Ramsey County capped aluminum rod stamped #9154 located in the Southeast Quarter of Section 10, Township 30, Range 23. Elevation = 913.79 (NGVD 1929) datum

E.G. RUD & SONS, INC.
 Professional Land Surveyors
 6776 Lake Drive NE, Suite 110
 Lino Lakes, MN 55014
 Tel. (651) 361-8200 Fax (651) 361-8701

CERTIFICATION

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD
 Date: License No. 41578

DRAWN BY: NAA	JOB NO: 0751HS	DATE: 11-07-07
CHECK BY: JER	SCANNED	
1		
2		
3		
NO.	DATE	DESCRIPTION
		BY

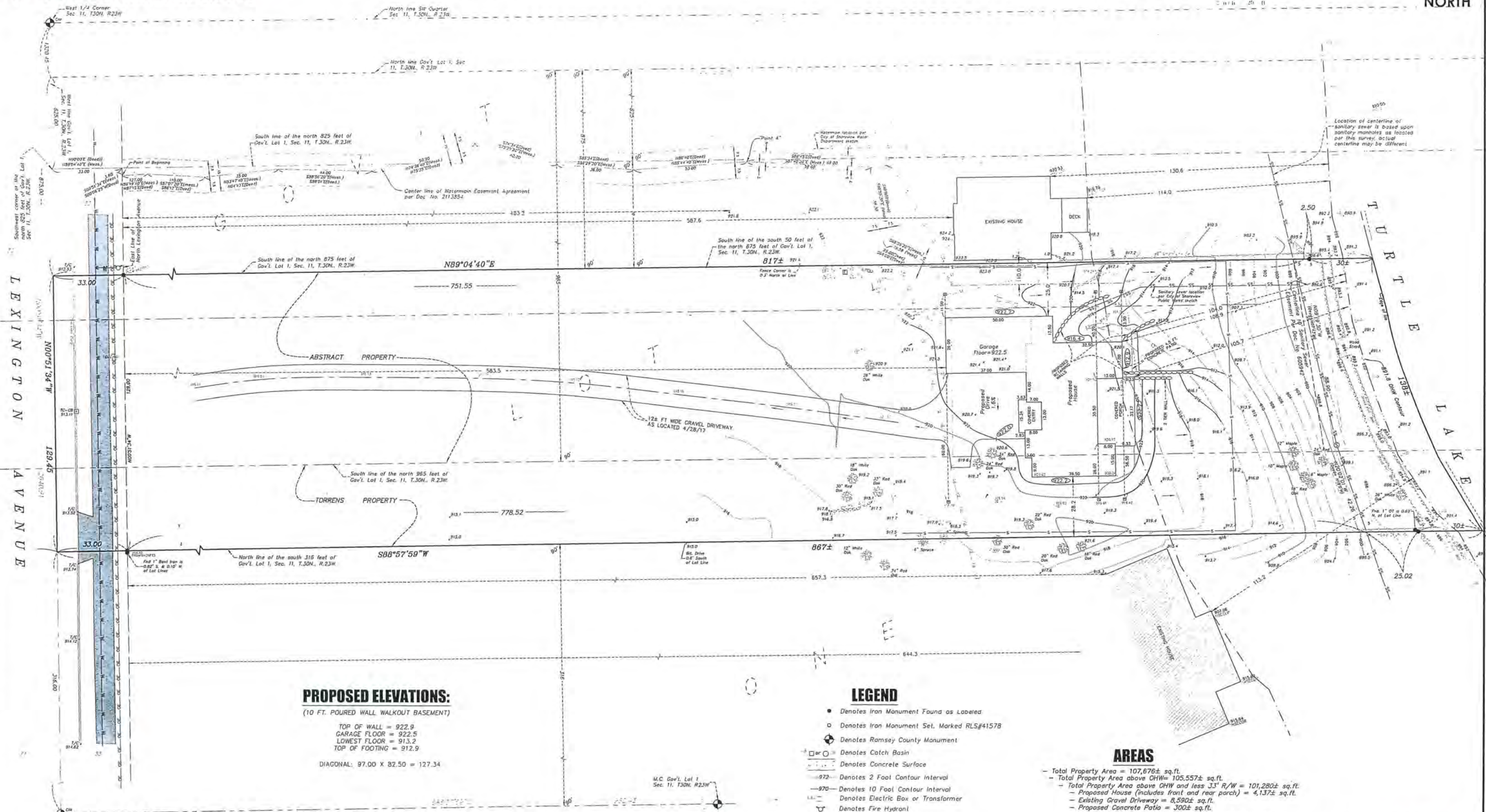
CERTIFICATE OF SURVEY ~of~ 5076 LEXINGTON AVENUE SHOREVIEW, MN 55126

~for~ CHUCK AND ANGIE MAROGOS

GRAPHIC SCALE



1" = 100' (1:100)
2" = 200' (1:200)



PROPOSED ELEVATIONS:
(10 FT. POURED WALL WALKOUT BASEMENT)
TOP OF WALL = 922.9
GARAGE FLOOR = 922.5
LOWEST FLOOR = 913.2
TOP OF FOOTING = 912.9
DIAGONAL: 97.00 X 82.50 = 127.34

NOTES
ORDINARY HIGH WATER MARK ELEVATION = 891.8
Orientation of this bearing system is based upon the Ramsey County Coordinate System, NAD83.
Topographic Survey prepared by Midwest Land Surveying with a revision date of 2-26-07 used as a base map on this Certificate of Survey.
This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.

PROPERTY DESCRIPTION
Government Lot 1, Section 11, Township 30, Range 23, except the North 875 feet thereof, and except the South 316 feet thereof, subject to Lexington Avenue.
BENCHMARK
Ramsey County capped aluminum rod stamped #9154 located in the Southeast Quarter of Section 10, Township 30, Range 23. Elevation = 913.79 (NGVD 1929) datum

- LEGEND**
- Denotes Iron Monument Found as Labeled
 - Denotes Iron Monument Set, Marked RLS#41578
 - ⊙ Denotes Ramsey County Monument
 - Denotes Catch Basin
 - ▭ Denotes Concrete Surface
 - 972--- Denotes 2 Foot Contour Interval
 - 970--- Denotes 10 Foot Contour Interval
 - ⊕ Denotes Electric Box or Transformer
 - ⊕ Denotes Fire Hydrant
 - ⊕ Denotes Water Valve
 - ⊕ Denotes Air Conditioner
 - ⊕ Denotes Gas Meter
 - ⊕ Denotes Light Pole
 - ⊕ Denotes Power Pole
 - ⊕ Denotes Sanitary Sewer Manhole
 - ⊕ Denotes Sanitary Sewer
 - ⊕ Denotes Telephone Box
 - ⊕ Denotes Overhead Electric
 - ⊕ Denotes Overhead Cable
 - 970--- Denotes Proposed Contours
 - Denotes Proposed Silt Fence

AREAS

- Total Property Area = 107,676± sq.ft.
- Total Property Area above OHW = 105,557± sq.ft.
- Total Property Area above OHW and less 33' R/W = 101,280± sq.ft.
- Proposed House (includes front and rear porch) = 4,137± sq.ft.
- Existing Gravel Driveway = 8,590± sq.ft.
- Proposed Concrete Patio = 300± sq.ft.
- Total proposed impervious area = 13,027± sq.ft. (12.9%)

NO.	DATE	DESCRIPTION	BY
1	11/21/16	ADD PROPOSED DRIVEWAY	BAB
2	11/23/16	REVISE STAKED DRIVEWAY POSITION	BAB
3	5/2/17	ADD PROPOSED HOUSE	BAB
4	6/29/17	NEW HOUSE PLAN	BAB
5	7/14/17	ADD PATIO TO OHW SETBACK	BAB
6	7/17/17	REDUCE PATIO SIZE AND REVISE SETBACK TO OHW	BAB

CERTIFICATION
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.
Jason E. Rud
JASON E. RUD
Date: 7/14/2017 License No. 41578

E. G. RUD & SONS, INC.
EST. 1977 Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701
www.egrund.com



TRUSS SUPPLIER TO VERIFY ALL SPANS, PITCHES, RISE HEIGHTS AND OTHER CONDITIONS CRITICAL TO PROPER TRUSS PARTICIPATION

ALL STRUCTURAL COMPONENTS LISTED ON THESE PLANS ARE INTENDED FOR DESIGN/NO PURPOSES ONLY. IT IS RECOMMENDED THAT ALL STRUCTURAL DESIGN BE REVIEWED BY A LICENSED PROFESSIONAL ENGINEER.

GENERAL NOTES

- EICHOOT FLASHING TO BE INSTALLED AS USUALLY
- EXTERIOR WALL FINISHES TO VERIFY EICHOOT FLASHING IS INSTALLED PRIOR TO FINISHES
- CARPENTER TO PLAN ALL EXTERIOR WINDOWS & DOORS PER PLAN AND IRC CODE REQUIREMENTS

WINDOWS

- MARVIN WINSTON WOOD-ULTRIX SERIES
- TYPE AND SIZE PER PLAN
- WINDOWS DISASSEMBLED WITH 1" MOST BOTTOM CODES
- BUILDER TO VERIFY ALL ROUGH OPENING DIMENSIONS AND HEADER HEIGHTS.

EXTERIOR FINISHES

- SOULS
- JAMB'S HARDI HARDISHINGLE 40/40LS STRAIGHT EDGE PANEL
- EXTERIOR TRIM
- JAMB'S HARDI HARDISHINGLE 40/40LS STRAIGHT EDGE PANEL
- THICKNESS AND HEIGHT AS LISTED
- COFFER
- JAMB'S HARDI HARDISHINGLE 40/40LS STRAIGHT EDGE PANEL
- UN-VENTED AT GABLE'S
- VENTED AT RAFTERS

AREA CALCULATIONS	
LOWER LEVEL FINISHED	2091.8 SF
UNFINISHED	1041.1 SF
	3132.9 SF
MAIN LEVEL FINISHED	3407.0 SF
TOTAL FINISHED AREA	6540.0 SF
GARAGE FLOOR FINISH	488.0 SF
FLOOR	488.0 SF
	976.0 SF

FLOOR AREAS ARE CALCULATED FROM THE OUTSIDE OF FOUNDATION WALLS AND/OR OUTSIDE FACE OF EXTERIOR STUD AT FRAMED WALLS.

STAIRS ARE INCLUDED IN CALCULATIONS AT ALL LEVELS.



All designs are given consideration to latest developments, etc. but no liability is assumed for errors or omissions in plans or specifications. The contractor shall verify all dimensions and quantities before construction. The contractor shall be responsible for obtaining all necessary permits and approvals. The contractor shall be responsible for all construction materials and labor. The contractor shall be responsible for all construction work. The contractor shall be responsible for all construction work. The contractor shall be responsible for all construction work. ©2016 Royal Oaks Design, Inc.

01 APR 17
1 09 APR 17
2 12 APR 17
3 18 APR 17
4 07 JUN 17
5 27 JUN 17
6 09 AUG 17

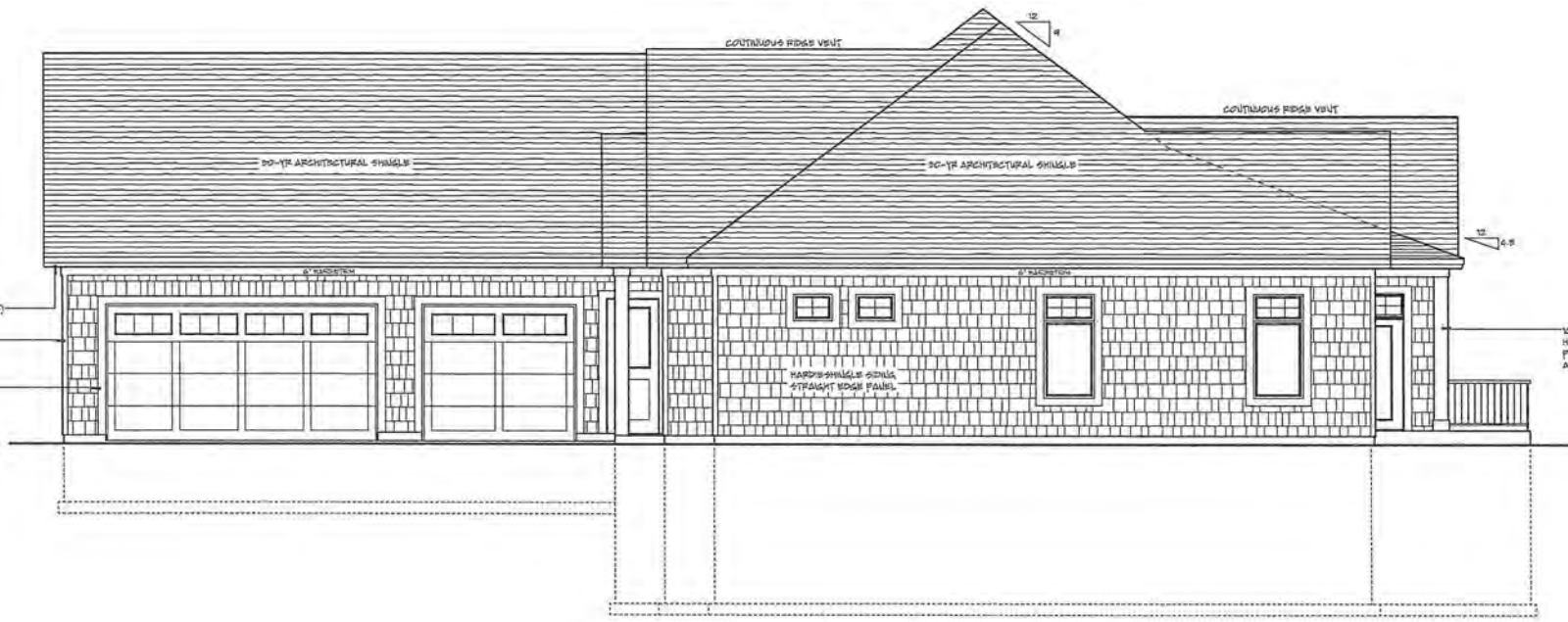
CHUCK AND ANGIE
MARAGOS RESIDENCE

All rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information storage and retrieval system, without the prior written consent from the author. Although every effort has been made to ensure the accuracy of this document, the author assumes no responsibility for any errors or omissions. ©2016 Royal Oaks Design, Inc.

01 APR 17
1 09 APR 17
2 15 APR 17
3 18 APR 17
4 07 JUN 17
5 07 JUN 17
6 09 AUG 17

CHUCK AND ANGIE
MARAGOS RESIDENCE

santanni
CUSTOM HOMES INC
1010 Sharon Street, Roselle, MN 55113
651-407-1571
www.santannicustomhomes.com
Builder license: JF020943



② RIGHT ELEVATION
SCALE: 1/4" = 1'-0"



① REAR ELEVATION
SCALE: 1/4" = 1'-0"

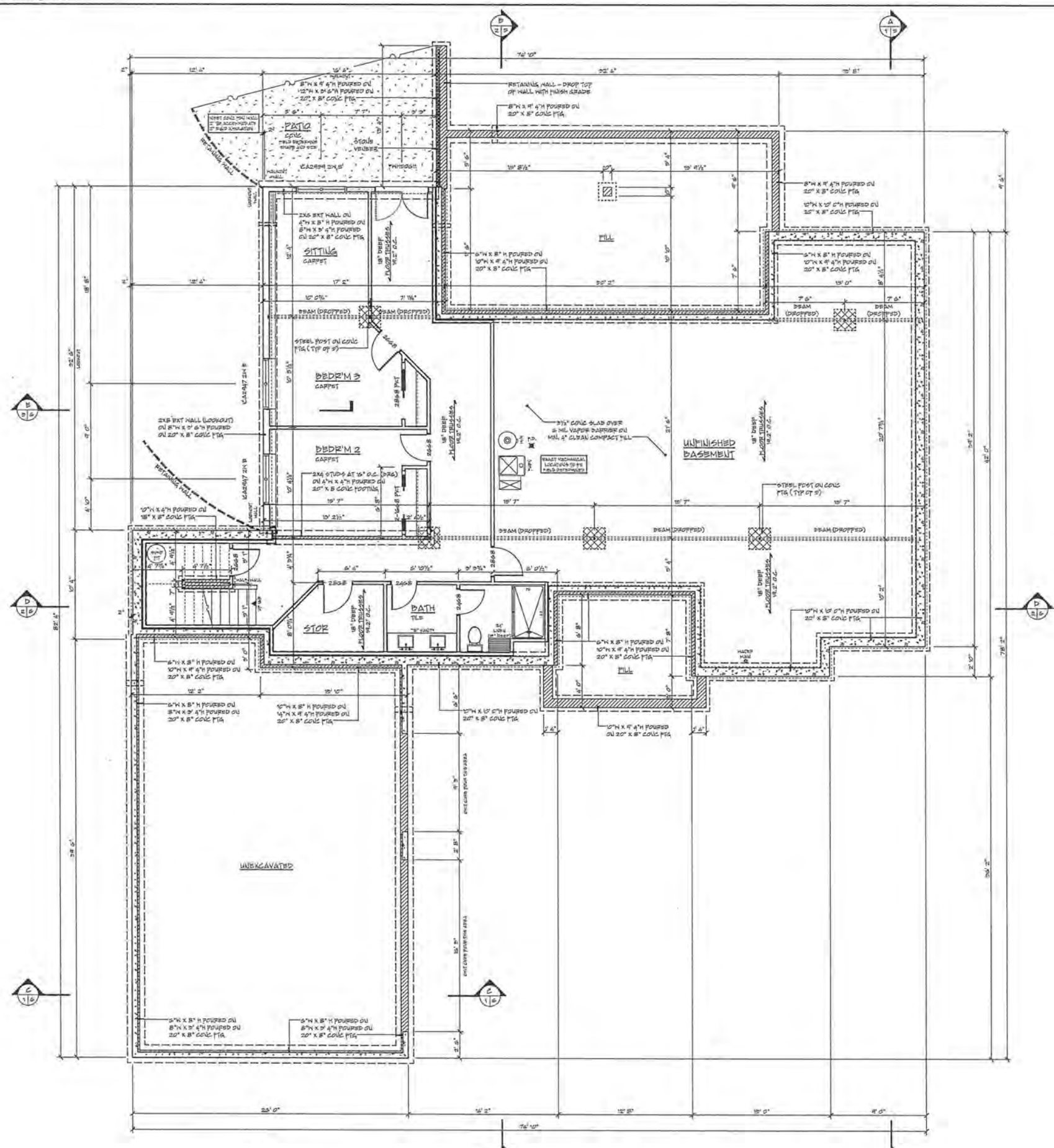
- GENERAL NOTES**
- KICKOUT FLASHING TO BE INSTALLED AS NEEDED
 - EXTERIOR WALL FINISHES TO VERIFY KICKOUT FLASHING IS INSTALLED TRUE TO FINISHES
 - CARPENTER TO FLASH ALL EXTERIOR WINDOWS & DOORS PER MAIL AND IRC CODE REQUIREMENTS
- WINDOWS**
- MARVAL INTEGRITY WOOD-ULTRAX SERIES
 - TYPE AND SIZE PER PLAN
 - WINDOWS DISCLOSED WITH W/ MEET BASES&S CODES
 - BUILDER TO VERIFY ALL ROUGH OPENING DIMENSIONS AND HEADER HEIGHTS.
- EXTERIOR FINISHES**
- SIDING
 - JAMES HARDIE HARDISHINGLES SIDING
 - STRAIGHT EDGE PAU&S
 - EXTERIOR TRIM
 - JAMES HARDIE HARDIPLEX BOARD
 - TRIMMINGS AND MOULD AS NOTED
 - SOFFITS
 - JAMES HARDIE HARDISOTTIT PAU&S
 - UNVENTED AT GABLE&S
 - VENTED AT EAVES
- 0' 2' 4' 6' 8'

All drawings are shown as intended by these documents. The user assumes full responsibility for their use. No liability is assumed by the provider for any use of the drawings. The user is advised that the drawings are not intended to be used for any other purpose without the written consent of the provider. All drawings are the property of Royal Oaks Design, Inc. and shall remain the property of Royal Oaks Design, Inc. All drawings are subject to change without notice. The user shall be responsible for any errors or omissions on their drawings. ©2016 Royal Oaks Design, Inc.

10 MAY 88
ROYAL
OAKS
DESIGN
810 Heron Ave. N. St. Paul, MN 55126
www.royalocakdesign.com

01 APR 17
1 08 APR 17
2 14 APR 17
3 18 APR 17
4 27 MAY 17
5 27 MAY 17
6 29 MAY 17

CHUCK AND ANGIE
MARAGOS RESIDENCE



FOUNDATION PLAN
SCALE: 1/8" = 1'-0"

- GENERAL NOTES**
- DIMENSIONS ARE FROM EXTERIOR FACE OF CONCRETE FOUNDATION WALL AND CENTERLINE OF INTERIOR BRICKMASON WALLS
 - 1\"
 - ALL STRUCTURAL DETAILS OF WALL THICKNESSES, FOOTING TYPES AND REQUIRED REINFORCEMENT TO BE DETERMINED BY PROFESSIONAL REGISTERED ENGINEER
 - HOLD FOUNDATION WALLS IN FROM OTHER AREAS AS NOTED
 - DOUBLE END SILL PLATE TO OVERLAP FOUNDATION SILL
 - SEE DETAILS
 - ASSUMED SOIL BEARING CAPACITY = 2000 P/SF
 - MASSHUT CONTRACTOR TO VERIFY WALL AND FOOTING REQUIREMENTS AT SUBMITTED MATERIAL CONDITIONS
 - INSTALL 2\"
 - FOUNDATION AT LIVING AREAS
 - INSTALL 2\"
- WINDOWS**
- MASONRY WEIGHTY HOOD-ULTRAX SERIES
 - SILL AND SOLE AS NOTED
 - WINDOWS ISOLATED WITH 1\"
 - WINDOW HEADERS HEIGHTS SET TO 8\"
 - ENGINEER TO VERIFY ALL ROUGH OPENING DIMENSIONS AND WINDOW, DOOR & SILL HEADERS WITH
- HEADINGS**
- 8\"
 - DOUBLE STUDS AT WINDOW AND DOOR HEADERS (I.L.C.)
 - PROVIDE SILL BLOCKING AT ALL POINT LOADS

IN FLOOR HEAT THROUGHOUT LOWER LEVEL

AREA TABULATION

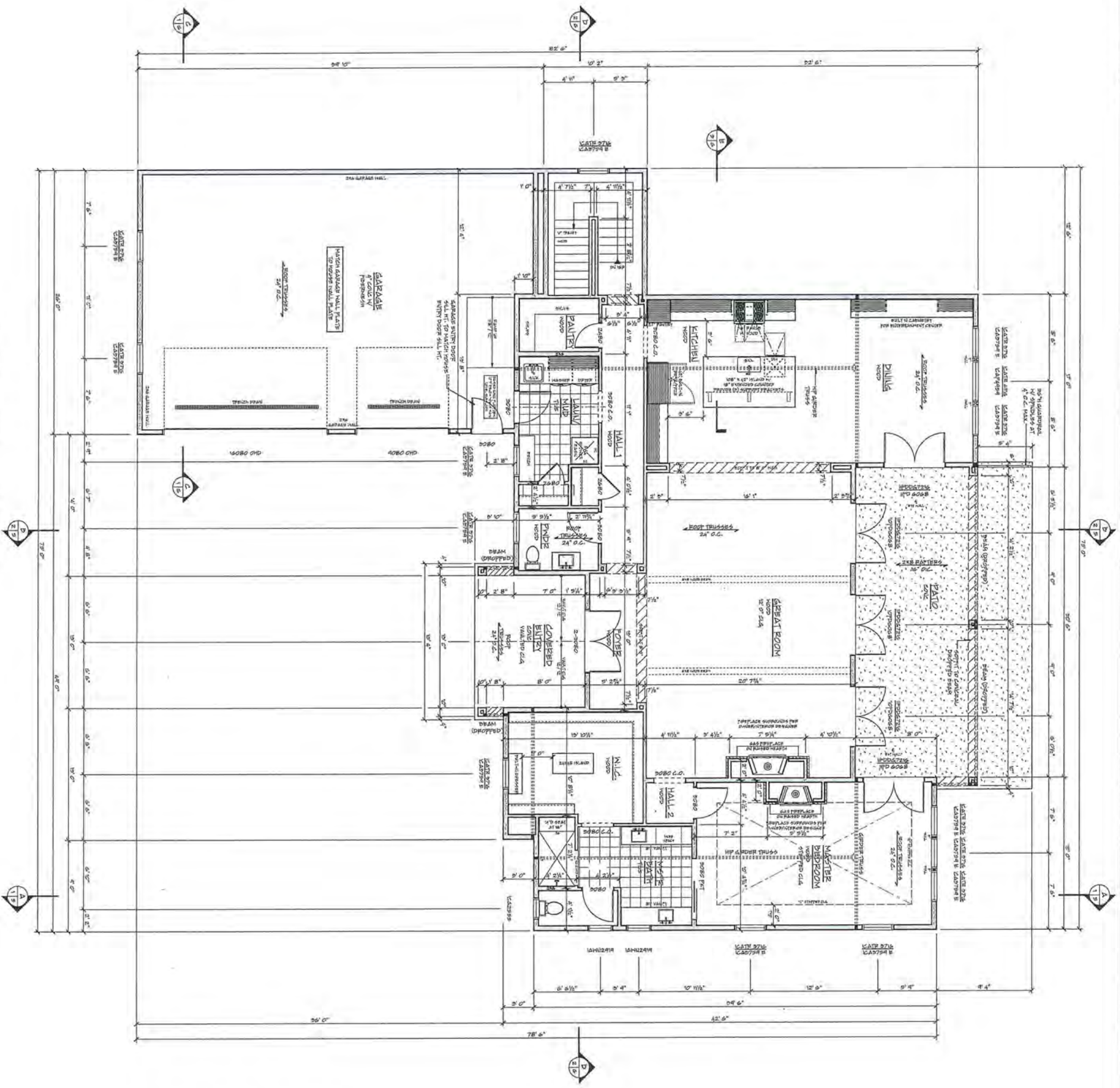
LOWER LEVEL	3248.8 sq'
Finished	1244.0 sq'
Unfinished	1979.7 sq'

santanni
CUSTOM HOMES INC
1019 Sharon Street, Rossville, MN 56113
www.santannihomes.com
saunders_burns_#16028423



1 MAIN LEVEL FLOOR PLAN

SCALE: 1/4" = 1'-0"



- GENERAL NOTES**
- Dimensions are from exterior face of wall or edge of window unless otherwise indicated.
 - All wall and ceiling finishes are to be indicated on the drawings.
 - All door and window openings are to be indicated on the drawings.
 - All floor finishes are to be indicated on the drawings.
 - All ceiling finishes are to be indicated on the drawings.
 - All wall finishes are to be indicated on the drawings.
 - All window and door schedules are to be indicated on the drawings.
 - All electrical and plumbing symbols are to be indicated on the drawings.
 - All mechanical symbols are to be indicated on the drawings.
 - All structural symbols are to be indicated on the drawings.
 - All finish grades are to be indicated on the drawings.
 - All exterior finishes are to be indicated on the drawings.
 - All interior finishes are to be indicated on the drawings.
 - All materials are to be indicated on the drawings.
 - All quantities are to be indicated on the drawings.
 - All notes are to be indicated on the drawings.



santanni
CUSTOM HOMES INC.
1019 Sherrin Street Roseville, MN 55113
www.santannicustomhomes.com
builder license #DC628423

CHUCK AND ANGIE MARAGOS RESIDENCE

NO.	DATE	DESCRIPTION
1	07/17/17	01. APPROV.
2	07/17/17	02. APPROV.
3	07/17/17	03. APPROV.
4	07/17/17	04. APPROV.
5	07/17/17	05. APPROV.
6	07/17/17	06. APPROV.
7	07/17/17	07. APPROV.
8	07/17/17	08. APPROV.
9	07/17/17	09. APPROV.
10	07/17/17	10. APPROV.

19 88
ROYAL OAKS
DESIGN
610 Heron Ave N. St. Paul, MN 55128
651-248-2816
www.RoyalOaksDesign.com

All drawings and plans contained in these documents are the original work, owned and property of Royal Oaks Design, Inc. Any reuse or reproduction of these documents in part or whole is strictly prohibited by law without prior written consent from Royal Oaks Design, Inc.
Although every effort has been made in designing and preparing these plans and checking them for accuracy, the designer, owner or contractor must check all details and dimensions and be responsible for any changes or adjustments required during actual construction. His representation is made as required for accuracy.
©2018 Royal Oaks Design, Inc.

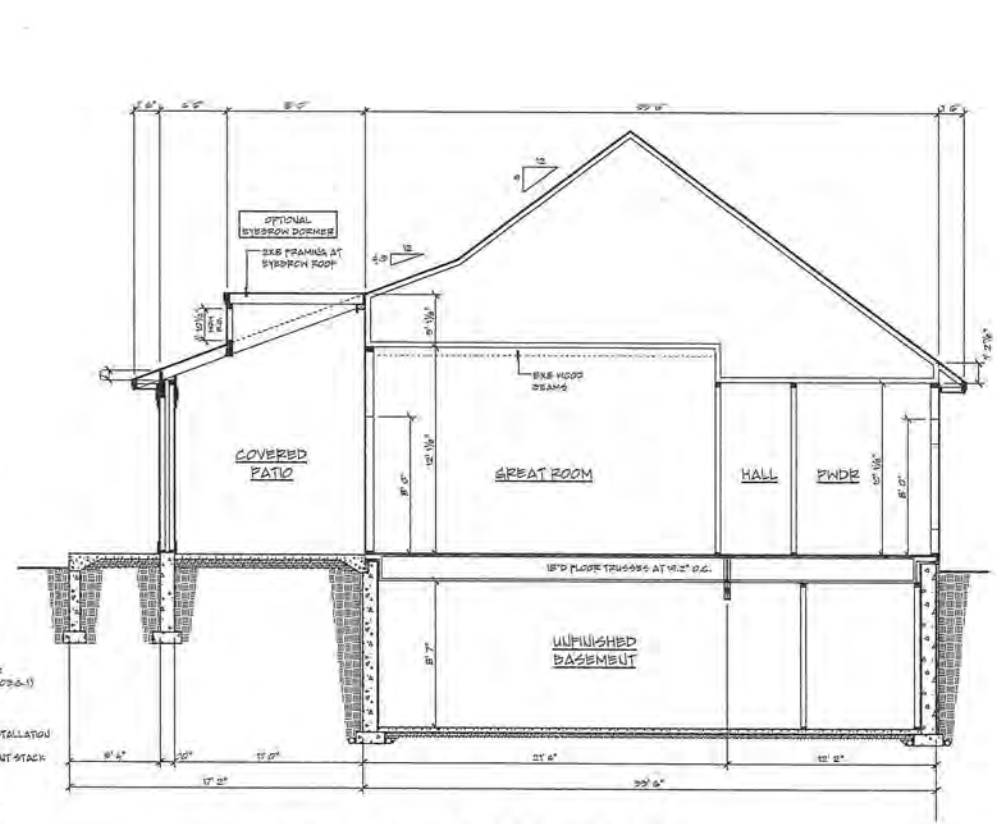
All drawings and plans submitted to these drawings shall be the property of Royal Oaks Design, Inc. Any reproduction, copying, or distribution of these drawings without the written consent of Royal Oaks Design, Inc. is strictly prohibited. The drawings are prepared by Royal Oaks Design, Inc. and shall remain the property of Royal Oaks Design, Inc. through any and all changes, amendments, and additions. The drawings are prepared for the specific project and shall not be used for any other project without the written consent of Royal Oaks Design, Inc. ©2016 Royal Oaks Design, Inc.

DATE	DESCRIPTION
01 APR 17	
1 05 APR 17	
2 12 APR 17	
3 18 APR 17	
4 07 JUN 17	
5 27 JUN 17	
6 05 AUG 17	

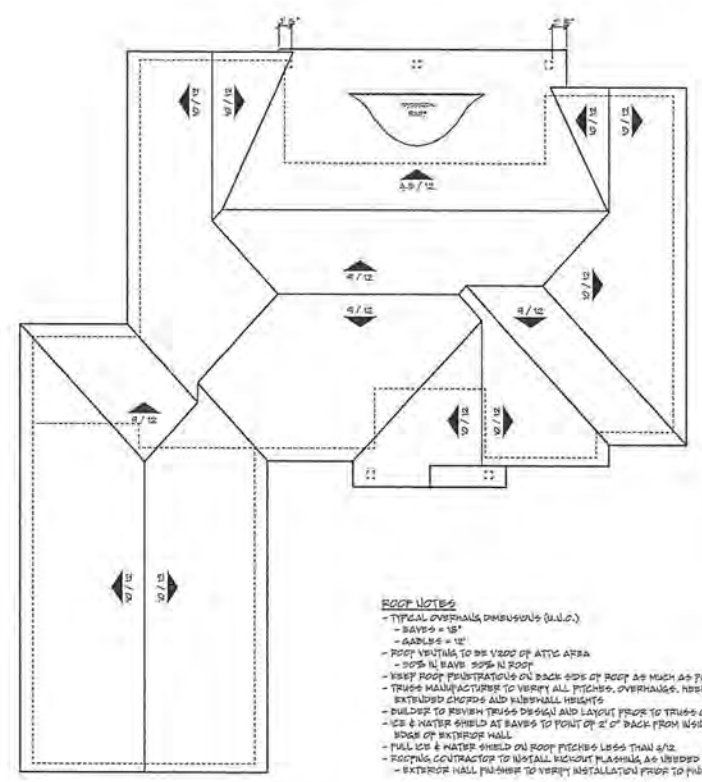
CHUCK AND ANGIE MARAGOS RESIDENCE

santanni
CUSTOM HOMES INC
1010 Johnson Street, Roseville, MN 55113
651-407-1571
santanni@customhomesinc.com

PHILIP J. SANTANNI
TYPICAL WALL SECTION
ROOF PLAN



BUILDING SECTION 'B'
SCALE: 1/4" = 1'-0"



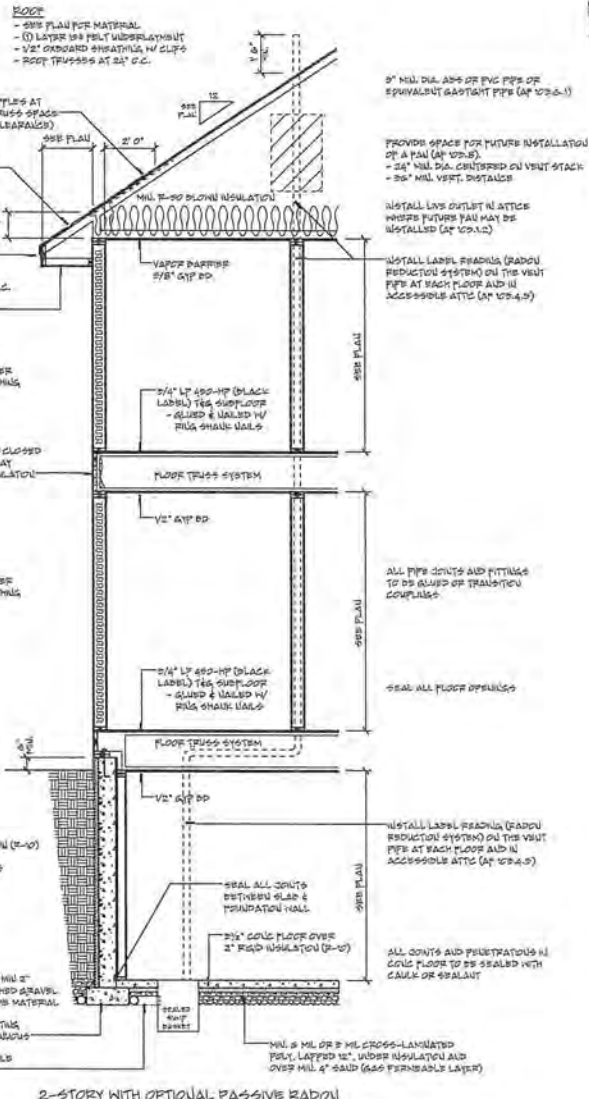
ROOF PLAN
SCALE: 1/8" = 1'-0"

- ROOF NOTES**
- TYPICAL OVERHANG DIMENSIONS (O.D.S.)
 - GABLES = 12"
 - ROOF VENTING TO BE 1/2" OF ATTIC AREA
 - 1/2" IN BAY, 3/8" IN ROOF
 - KEEP ROOF PENETRATIONS ON BACK SIDE OF ROOF AS MUCH AS POSSIBLE
 - TRUSS MANUFACTURER TO VERIFY ALL PITCHES, OVERHANGS, OVERSIGHTS, EXTENDED CHORDS AND HANGERS HEIGHTS
 - BUILDER TO REVIEW TRUSS DESIGN AND LAYOUT PRIOR TO TRUSS ORDER
 - ICE & WATER SHIELD AT BAYS TO POINT OF 2' 0" BACK FROM ROOF EDGE OF EXTERIOR HALL
 - FULL ICE & WATER SHIELD ON ROOF PITCHES LESS THAN 4/12
 - ROOFING CONTRACTOR TO INSTALL WITHOUT FLASHING AS USED
 - EXTERIOR HALL PENETRATION TO VERIFY INSTALLATION PRIOR TO FINISHING

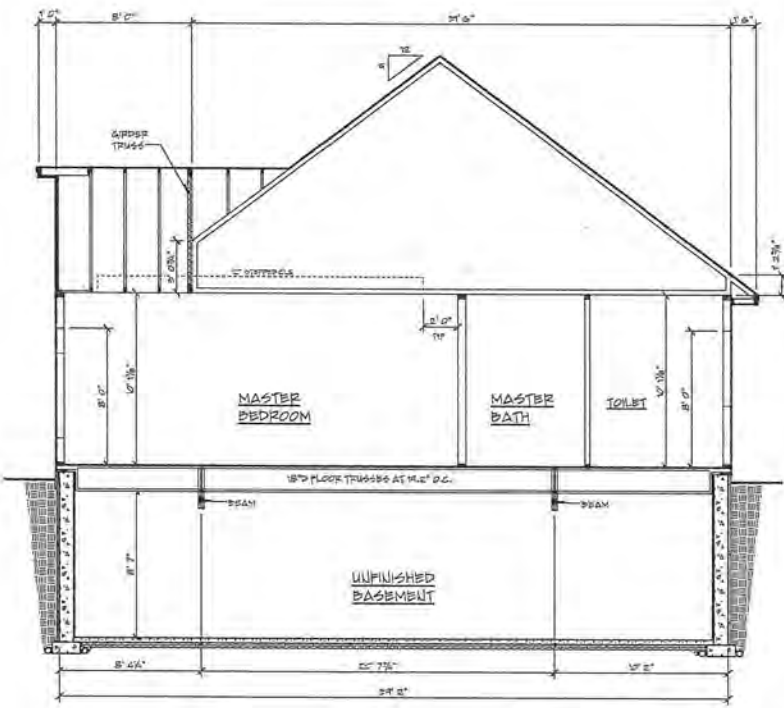
TRUSS SUPPLIER TO VERIFY ALL SEAMS, PITCHES, NEEL HEIGHTS AND OTHER CONDITIONS CRITICAL TO PROPER TRUSS FABRICATION

ALL STRUCTURAL COMPONENTS NOTED ON THESE PLANS ARE INTENDED FOR DESIGNATED PURPOSES ONLY. IT IS RECOMMENDED THAT ALL STRUCTURAL DESIGN BE PROVIDED BY A LICENSED PROFESSIONAL ENGINEER

- GENERAL NOTES**
- ICE & WATER SHIELD ALL VALLEYS
 - ICE & WATER SHIELD UP 24" HALL AT INTERSECTIONS ROOF AND HALL AREAS
 - PREPARE ALL HOLES WHERE SCREENS AND WALLS ARE BEING DRILLED THROUGH SOLOS OR STACKS. SEAL W/ FLOOR
 - ALL PENETRATIONS OF EXTERIOR WALLS TO BE SEALED
 - FLASH ALL DOORS AND WINDOWS
 - CONTINUOUS VAPOR BARRIER AT ALL WALL FRAMING TO EXTERIOR AND TOP OF ALL TOP PLATES
 - TAPE ALL VAPOR BARRIER JOINTS AND LAPS
 - FOAM ALL PENETRATIONS THROUGH VAPOR BARRIER
 - COVER ALL JOINTS, CORNERS AND CANTILEVERS WITH BUILDING PAPER PRIOR TO SOUS



TYPICAL WALL DETAIL
SCALE: 3/8" = 1'-0"



BUILDING SECTION 'A'
SCALE: 1/4" = 1'-0"

TYPICAL WALL SECTION FOR SHOW OF MATERIAL USED. REFER TO SECTIONS AND FOUNDATION DETAILS FOR ACTUAL CONSTRUCTION INFORMATION.

2-STORY WITH OPTIONAL PASSIVE RADON

INSTALL LABEL RADON (RADON REDUCTION SYSTEM) ON THE VENT PIPE AT EACH FLOOR AND IN ACCESSIBLE ATTIC (A7.4.2.4)

SEAL ALL FLOOR OPENINGS

ALL JOINTS AND PENETRATIONS IN GOLF FLOOR TO BE SEALED WITH CAULK OF EQUAL

ALL PIPE JOINTS AND FITTINGS TO BE SEALED TO TRANSFER COMPLIANCE

SEAL ALL FLOOR OPENINGS

PROVIDE SPACE FOR FUTURE INSTALLATION OF A PAIL (A7.4.2.3)

36" MIN. DIA. CENTERED ON VENT STACK - 36" MIN. VERT. DISTANCE

INSTALL LABELED RADON (RADON REDUCTION SYSTEM) ON THE VENT PIPE AT EACH FLOOR AND IN ACCESSIBLE ATTIC (A7.4.2.4)

ROOF

- SEE PLAN FOR MATERIAL
- (1) LAYER 1/2" FELT UNDERLAYMENT
- 1/2" EXTERIOR SHEATHING 1/4" SLIP
- ROOF TRUSSES AT 24" O.C.

VENT BATTLES AT EVERY TRUSS SPACE (MIN. 1" CLEARANCE)

ICE & WATER SHIELD TO 24" PAST SIDING WALL

2x6 RAFTERS 1/4" DIA. LOOKOUTS AT 24" O.C. 1/4" HARDWOOD

VENTED AS REQUIRED

2x6 RAFTERS 1/4" DIA. LOOKOUTS AT 24" O.C. 1/4" HARDWOOD

VENTED AS REQUIRED

EXTERIOR HALL

- EXTERIOR FINISH
- SEE SCHEDULE
- (2) LAYERS 1/2" FELT PAPER
- 1/2" CDX PLYWOOD SHEATHING
- 2x4 STUDS AT 16" O.C.
- MIN. R-21 INSULATION
- VAPOR BARRIER
- 1/2" GIP SD

EXTERIOR HALL

- EXTERIOR FINISH
- SEE SCHEDULE
- (2) LAYERS 1/2" FELT PAPER
- 1/2" CDX PLYWOOD SHEATHING
- 2x4 STUDS AT 16" O.C.
- MIN. R-21 INSULATION
- VAPOR BARRIER
- 1/2" GIP SD

FOUNDATION WALL

- WATERPROOF DAMPPROOFING
- 2" DENSIMATE BOARD INSULATION (R-10)
- FINISHED CONCRETE WALL
- SEE PLAN FOR HTS & NOTHS
- DAMPPROOFING AS REQUIRED
- 1" RIGID INSULATION (R-8)

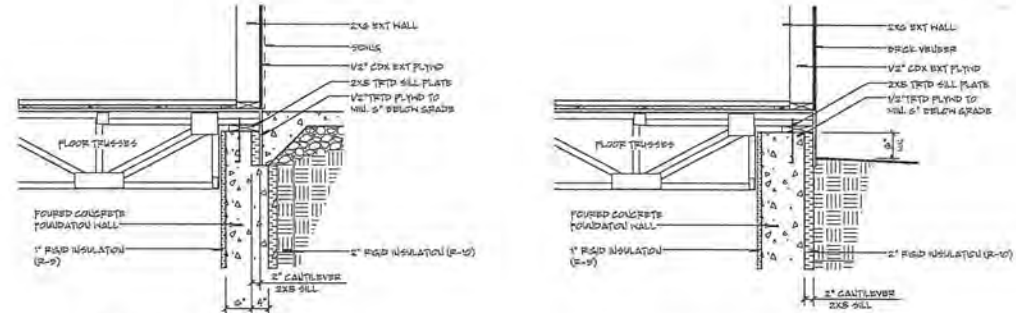
DRAIN TILE AS PER DETAIL MIN. 2" CRUSHED ROCK OR WASHED GRAVEL 1/4" MIN. O' COVER OF SAME MATERIAL

20" X 8" CONCRETE FOOTING 1/2" (2) #4 REBAR CONTINUOUS

1" PERFORATED DRAIN TILE 1/4" FILTER FABRIC

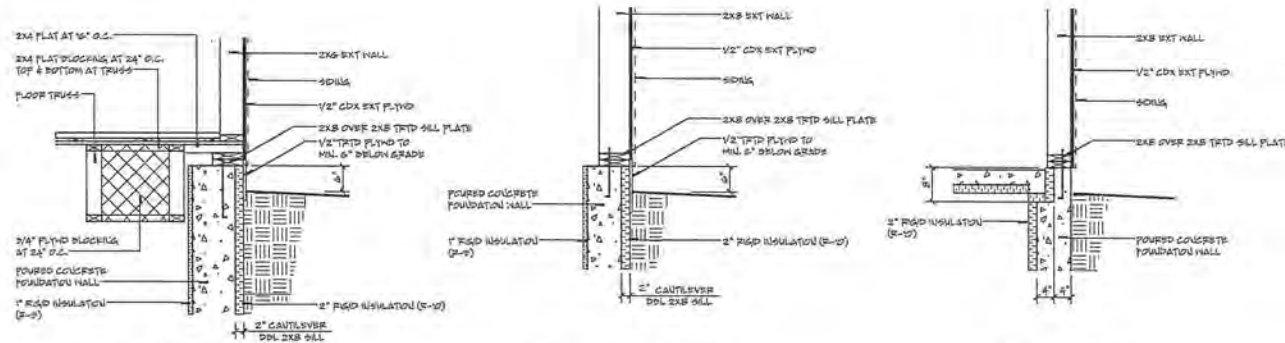
3/4" GOLF FLOOR OVER 2" RIGID INSULATION (R-10)

MIN. 2 MIL OR 3 MIL CROSS-LAMINATED POLY. LAPPED 12". UNDER INSULATION AND OVER MIN. 4" SAND (AS PER PERMITS)



FLOOR TRUSSES - PERPENDICULAR AT DOOR OPENING

FLOOR TRUSSES - PERPENDICULAR



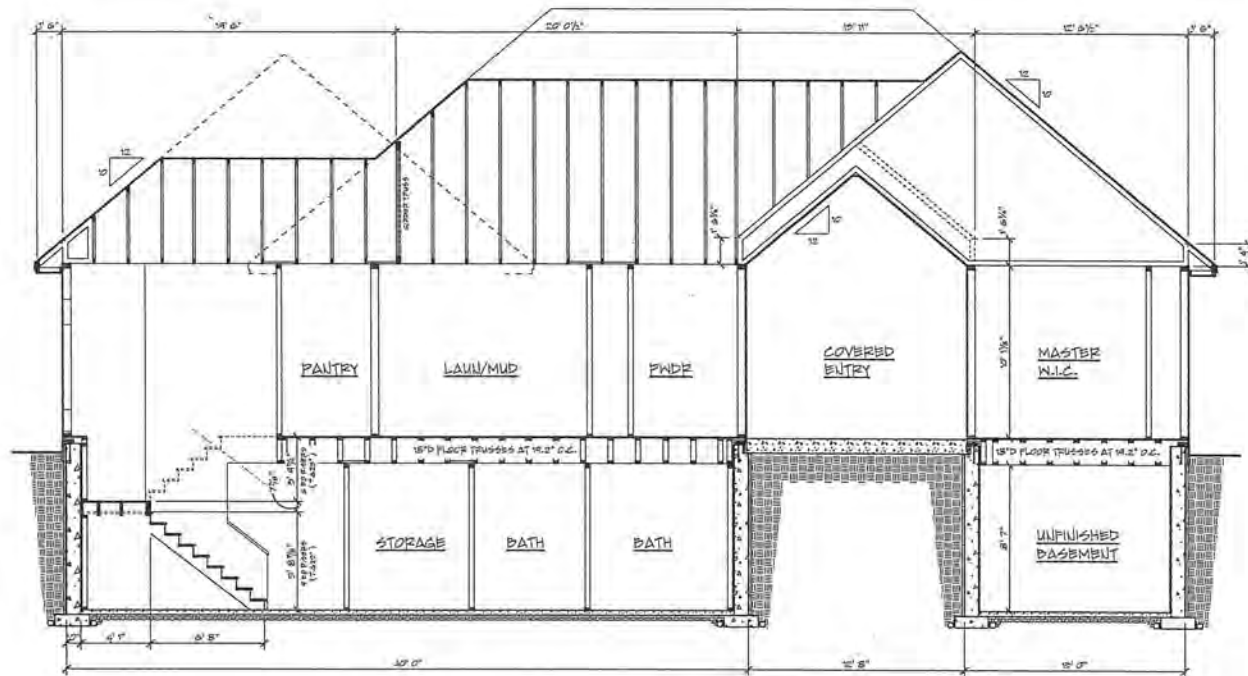
FLOOR TRUSSES - PARALLEL

SILL AT LOOKOUT WALL

SILL AT WALKOUT WALL

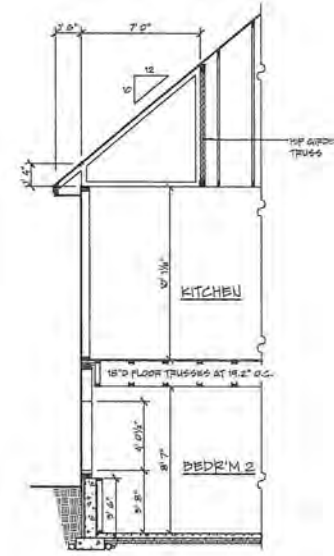
FOUNDATION DETAILS

SCALE = 1/8" = 1'-0"



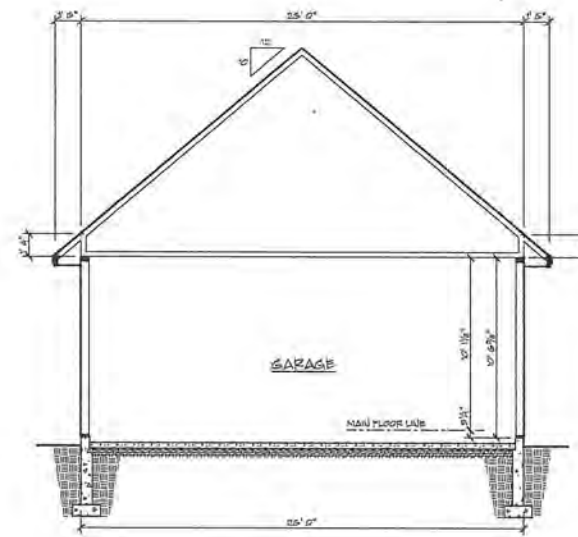
BUILDING SECTION 'D'

SCALE = 1/4" = 1'-0"



BUILDING SECTION 'E'

SCALE = 1/4" = 1'-0"



BUILDING SECTION 'C'

SCALE = 1/4" = 1'-0"

It is always best when working in these materials to have someone with the proper tools, training and experience. The use of these materials in any project is subject to the local building codes and regulations. Any project involving these materials should be designed by a professional engineer. Although every effort has been made to ensure that the drawings and specifications are complete and correct, the designer shall not be responsible for any errors or omissions, or for any consequences arising from the use of these drawings and specifications. © 2015 Royal Oaks Design, Inc.

01	APR 17
1	09 APR 17
2	15 APR 17
3	18 APR 17
4	27 MAY 17
5	27 JUN 17
6	29 AUG 17

CHUCK AND ANGIE
MARAGOS RESIDENCE



MITIGATION AFFIDAVIT AND AGREEMENT

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

The undersigned Affiants, for themselves, their heirs, successors and assigns hereby states, affirms and agrees:

1. Charles N Maragos and Angeline S Maragos, married to each other, hereafter referred to as the Affiants, are the record fee owners of the following described property:

Government Lot 1, Section 11, Township 30, Range 23, except the North 875 feet thereof, and except the south 316 feet thereof, subject to Lexington Avenue, Ramsey County, Minnesota

(commonly known as 5076 Lexington Ave)

2. That as a condition of approval for a residential design approved by the Shoreview Planning Commission on August 22, 2017, the Affiants will use the following practices to mitigate the adverse effects land development (mitigation practices) has on water quality and the lake environment:
 - a. Architectural Mass. Pursuant to Section 209.080 (M)(1)(c), the use of natural color(s) and/or materials on the exterior surface on the Affiants dwelling shall reduce the visual impact. The house will be painted an earth tone color.
 - b. Vegetation Restoration. Pursuant to Section 209.080 (M)(1)(b), vegetation restoration areas may be established which at minimum shall include land within the shore and the bluff impact zones or steep slopes. Land area shall be restored from law, beach or other disturbances that are native to the area. In Section 209.080 (M)(1)(b)(ii) Shoreline Buffer Restoration a buffer of at least 25 feet from and parallel to the ordinary high water mark shall be planted or restored and maintained with vegetation native to the area to fullest practicable extent possible with effective erosion and

sediment control. Existing natural beaches or beaches which have been permitted by the DNR shall be allowed to continue and be maintained. A minimum of 30% of the lot's shoreline area shall be restored. This restoration area shall be contiguous unless otherwise approved as part of the mitigation plan. The restoration area is illustrated on a site plan located in City of Shoreview Planning File Number 2666-17-19. Removal of the landmark trees from natural causes will require replacement.

c. Other Practices. Pursuant to Section 209.080(M)(2), the use of rain gardens shall be established by downspout and maintained for the life of the property.

3. The mitigation practices identified above shall be completed by August 22, 2018 unless an extension is administratively approved by the City of Shoreview. The mitigation practices shall be maintained unless said requirement is rescinded by the City of Shoreview. Said mitigation may be rescinded if a building permit is not issued for the development project said mitigation is required for.

Dated this _____ day of _____, 2017.

Charles N Maragos

Angeline S Maragos

STATE OF MINNESOTA)
)SS
COUNTY OF RAMSEY)

The foregoing instrument was acknowledged before me this _____ day of _____, 2017.

Notary Public

Date: August 14, 2017
To: Aaron Sedey, Associate Planner
From: Ellen Brenna, Natural Resources Specialist
Subject: Site and Landscaping Plan Review

The City of Shoreview Engineering Department has reviewed the plans for development and landscaping at 5076 Lexington dated August 1, 2017 and has the following comments regarding tree planting:

An inventory of landmark trees was done at the property adjacent to 5076 Lexington (5060) in order to determine the approximate number of landmark trees that had been on the 5076 lot prior to removal. The parcel at 5060 Lexington is 0.25 acre larger than 5076 Lexington. The larger property had 48 landmark trees on the Lexington side of the home. Because of the larger lot size, 5076 Lexington was determined to have had 40 (rounded down from 43.2) landmark trees when fully forested as it was until late 2016. Per City Code, landmark trees on a property of this size need to be replaced at a 3:1 ratio.

Eight mature oak trees were left standing on the property. Each of these trees is landmark. This means that, if 40 landmark trees were on the property to begin with and 8 were not removed, 32 landmark trees were removed from 5076 Lexington. At a 3 to 1 replacement, 96 trees need to be planted with the current development plan. Currently, the plans show 8 blue beech, 2 tree lilacs, 4 viburnum trees, 5 river birch, 1 honeylocust, and 23 evergreens to be planted. The 23 evergreen trees are proposed to be 14 feet tall. Because of their size, these trees each count as 2 replacement trees. The sum of all these planned plantings is a total of 66 trees. This leaves 30 trees still required ($96-66=30$). The landscaping plan also includes 11 pagoda dogwoods being planted at 6" ball and burlap. Though they are small in size and listed under the shrubs category, I have included these plants as part of the tree replacement as they generally grow in tree form. This leaves 19 trees that the City still requires to be planted on this lot, in addition to the landscaping plan provided ($30-11=19$).

Because the landscaping plan appears well thought out, an alternative to fitting in an additional 19 trees is to plant larger versions of some of the trees already in the plan. For example, 4" BB blue beech counts as 1.5 replacement trees as opposed to the 2" BB specified in the plan that count for a single replacement. A 6" BB blue beech would count for two replacement trees. So if eight 4" BB blue beech were planted, that would count for 12 replacement trees as opposed to the eight currently outlined. If eight 6" BB blue beech were planted, that would count for 16 replacement trees. The same is true for the river birch and skyline honeysuckle (the 3" BB honeysuckle currently counts for 1.25 replacement trees). Larger versions of the dogwoods and lilac trees could also be planted. The spaded evergreens outlined in the plan already count for two replacement trees each and couldn't likely be planted larger than 14' tall.

Overall, 19 additional replacement tree credits are required at this property. These credits can be achieved through additional tree planting or through selecting larger versions of the currently outlined trees to plant. Please also outline tree protection for the remaining 8 oak trees, as they will need to be preserved throughout construction or replaced at a 3:1 ratio.

If you have any questions or would like to discuss the comments please contact Ellen Brenna at ebrenna@shoreviewmn.gov or 651-490-4665.

Date: Thu, 05 May 2016

Notes:



Date: Thu, 06 Apr 2017

Notes:



**EXTRACT OF MINUTES OF MEETING OF THE
PLANNING COMMISSION OF SHOREVIEW, MINNESOTA
HELD AUGUST 22, 2017**

* * * * *

Pursuant to due call and notice thereof, a meeting of the Planning Commission of the City of Shoreview, Minnesota was duly called and held at the Shoreview City Hall in said City at 7:00 P.M.

The following members were present:

And the following members were absent:

Member _____ introduced the following resolution and moved its adoption.

**RESOLUTION NO. 17-51
VARIANCE**

WHEREAS, Chuck and Angie Maragos submitted variance applications for the following described property:

Government Lot 1, Section 11, Township 30, Range 23, except the North 875 feet thereof, and except the south 316 feet thereof, subject to Lexington Avenue, Ramsey County, Minnesota

(This property is commonly known as 5076 Lexington Ave)

WHEREAS, pursuant to the Development Code Section 209, Shoreland Management, the maximum structure front yard setback is 605.95-625.95 feet; and

WHEREAS, the applicants have requested a variance to this requirement in order to construct a new single-family dwelling on the property; and

WHEREAS, the Shoreview Planning Commission is authorized by State Law and the City of Shoreview Development Regulations to make final decisions on variance requests; and

WHEREAS, on August 22, 2017, the Shoreview Planning Commission approved the variances and adopted the following findings of fact:

1. *Reasonable Manner.* *The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.* The use of this property for a single family residence is reasonable and consistent with comprehensive plan land use designation and RE(40) zoning district. The proposed home is being placed in the same general location as the existing home. Staff believes the proposal represents reasonable use of the property.
2. *Unique Circumstances.* *The plight of the property owner is due to circumstances unique to the property not created by the property owner.* Unique circumstances are present and cause practical difficulty. The lot size and the shores of Turtle Lake curving creates setback issues with the averaging of the adjacent lots. Staff believes that unique circumstances are tied to the lot and natural topography of the Turtle Lake.
3. *Character of Neighborhood.* *The variance, if granted, will not alter the essential character of the neighborhood.* The applicant is proposing to rebuild on the property with a new home that is in scale with the neighborhood and the standard lot it will occupy. The design of the home is comparable to the current home, as it is one story with a walkout basement, as are the surrounding homes in the neighborhood with comparable in size and style. Staff's opinion that the variances will not have an adverse affect on the character of the neighborhood.

NOW, THEREFORE, BE IT RESOLVED BY THE SHOREVIEW PLANNING COMMISSION, that the variance request for property described above, subject to the following conditions:

1. The proposed home must be setback 583.5 feet from the road.
2. The first twenty feet of the driveway from the front property line must be concrete or asphalt.
3. The Landscape Plan shall be revised by adding a minimum of 19 more trees. If the proposed trees exceed the minimum size requirements, then credit may be given as stated by the Natural Resource Specialist in her memo dated August 14, 2017. Nine trees shall be placed on the lakeside of the dwelling
4. The applicant shall submit a tree replacement escrow in the amount of \$4,750 (19 trees x \$250).
5. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
6. This approval will expire after one year if a building permit has not been issued and construction commenced.
7. Material storage and construction vehicle parking shall be limited to the subject property.

8. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
9. Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
10. A building permit must be obtained before any construction activity begins.
11. This approval is subject to a 5-day appeal period.

The motion was duly seconded by Member _____ and upon a vote being taken thereon, the following voted in favor thereof:

And the following voted against the same:

Adopted this 22nd day of August, 2017

John Doan, Chair
Shoreview Planning Commission

ATTEST:

Aaron Sedey
Associate Planner

ACCEPTANCE OF CONDITIONS:

Charles N Maragos

Angeline S Maragos

STATE OF MINNESOTA)
)
COUNTY OF RAMSEY)
)
CITY OF SHOREVIEW)

I, the undersigned, being the duly qualified and acting Manager of the City of Shoreview of Ramsey County, Minnesota, do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a meeting of said City of Shoreview Planning Commission held on the 22nd day of August, 2017 with the original thereof on file in my office and the same is a full, true and complete transcript there from insofar as the same relates to adopting Resolution No. 17-51.

WITNESS MY HAND officially as such Manager and the corporate seal of the City of Shoreview, Minnesota, this 22nd day of August, 2017.

Terry C. Schwerm
City Manager

SEAL

PROPOSED MOTION

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 17-51, approving the variance application submitted by Chuck and Angie Maragos, 5076 Lexington Ave. Said approval allows a variance for the structure front yard setback for the construction of a single-family home. This approval is subject to the following conditions:

1. The proposed home must be setback 583.5 feet from the road.
2. The first twenty feet of the driveway from the front property line must be concrete or asphalt.
3. The Landscape Plan shall be revised by adding a minimum of 19 more trees. If the proposed trees exceed the minimum size requirements, then credit may be given as stated by the Natural Resource Specialist in her memo dated August 14, 2017. Nine trees shall be placed on the lakeside of the dwelling
4. The applicant shall submit a tree replacement escrow in the amount of \$4,750 (19 trees x \$250).
5. The project must be completed in accordance with the plans submitted as part of the Variance application. Any significant changes to these plans, as determined by the City Planner, will require review and approval by the Planning Commission.
6. This approval will expire after one year if a building permit has not been issued and construction commenced.
7. Material storage and construction vehicle parking shall be limited to the subject property.
8. Erosion control will be installed in accordance with City Code requirements prior to any site disturbance. Vegetation shall be restored in accordance with City Code standards.
9. Mitigation Affidavit shall be executed prior to the issuance of a building permit for the new residence.
10. A building permit must be obtained before any construction activity begins.
11. This approval is subject to a 5-day appeal period.

This approval is based on the following findings:

1. The proposed improvements are consistent with the Land Use and Housing Chapters of the Comprehensive Plan.
2. Practical difficulty is present as stated in Resolution 17-51.

VOTE: **AYES:** **NAYES:**

Regular Planning Commission Meeting – August 22, 2017

TO: Planning Commission
FROM: Niki Hill, AICP, Economic Development and Planning Associate
DATE: August 17, 2017
SUBJECT: File No. 2667-17-20, Minor Subdivision, 1075 Sherwood Road

INTRODUCTION

Sean Keatts submitted a minor subdivision application to divide the property at 1075 Sherwood Road into three parcels. The existing house, two detached garages and driveway will be removed, and two new lots created for future construction of three new homes.

The application was complete August 1st, 2017.

SITE CHARACTERISTICS

The property is located on the northeast corner of Sherwood Road and Lexington Avenue. The property has a lot area of 1.48 acres, a width of 286.63 feet and a depth of 202 feet. The property is developed with an existing single-family home, two detached accessory structures and driveway.

MINOR SUBDIVISION

COMPREHENSIVE PLAN

The property is guided for Low Density Residential (0 to 4 units per acre) as are the adjoining properties to the north, east and south which are developed for single-family residential use. To the west, lies Lexington Estates which is guided for Medium Density Residential (4 to 8 units per acre) and developed with townhomes.

DEVELOPMENT ORDINANCE REQUIREMENTS

Minor subdivisions require review by the Planning Commission and approval by the City Council, and are reviewed in accordance with subdivision and zoning district standards in the Development Regulations.

The City's subdivision standards (Sec. 204) require all lots to have frontage on a public right-of-way. Municipal sanitary sewer and water service must be provided to the new lots. The standards also require 5-foot public drainage and utility easements along side property lines, and 10-feet along front and rear lines. Public drainage easements are also required over watercourses, drainages or floodways, as necessary.

The property is located in the R1, Detached Residential as are the adjoining properties to the north, east and south. In the R1 district, minimum lot standards (Sec. 205.082 (D)(1)) require a lot area of 10,000 square feet, a width of 75 feet and a depth of 125 feet.

Principal structure setbacks are required to be a minimum of 25 feet from a front property line, 10-feet from a side lot line and 30-feet from a rear property line (Sec. 205.082 (D)(2)). Attached accessory structures must be setback a minimum of 5-feet from a side property line. If the adjacent home has a front yard setback that exceeds 40-feet, then the minimum front yard setback required for a new home on the vacant property is calculated using the existing setback, plus or minus 10-feet (Sec. 205.080 (D)(1)(g)(i)). The minimum structure setback required from an arterial roadway is 40-feet.

STAFF REVIEW

Density

The proposed density is slightly more than 2 units per acre and is consistent with the RL, Low Density Residential Land Use designation.

Minimum Lot Requirements

As shown below, all the proposed parcels meet the depth, width and area requirements.

	Requirements	Lot 1* (West)	Lot 2 (Middle)	Lot 3 (East)
Area	10,000 sf	30,133 sf	18,180 sf	16,160 sf
Width	75 feet	116.63 ft*	90 ft	80 ft
Depth	125 feet	202 ft	202 ft	202 ft

* Lot 1 is a corner lot – minimum 90 feet of width is required.

Municipal Utilities

Municipal sanitary sewer and water are available in Sherwood Road for all three homes. The sewer and water services for Lots 1 and 3 were installed when the road was originally built in 1981.

Minimum Structure Setbacks

There is currently a home located to the east of 1075 Sherwood that has a setback of 30ft. That is within the required setback range of 25-40 feet as required per the Municipal Code and as such that would be the setback range of the new homes along Sherwood. The westerly lot – Lot 1 – also has frontage along Lexington Avenue which is classified as a minor arterial street. Any frontage along Lexington Avenue is subject to a 40 foot setback from that right of way.

Grading, Drainage and Stormwater Management

The property generally drains to the north central portion toward the existing wetland area; there is a delineated wetland area that will impact all three properties. In order for a new house to be constructed on Parcel A, the site will need to be graded to direct stormwater runoff to the wetland area. A drainage and utility easement will be required over the wetland area, including the 16.5 foot buffer area, on all three parcels.

Vegetation and Woodlands

The property is a combination of open lawn area with trees and other vegetation located in the east portion of the property with some wetland and denser vegetation along the western portion of the property. Tree removal, replacement and protection will be addressed in the Development Agreement. Landmark trees will need to be replaced at a ratio of 3 to 1.

COMMENTS

Public Works

Public Works staff indicated that the mains and services were constructed by the developer. The developer's construction costs took the place of the City Assessment. The only item that was not paid at that time was the City's Source and Supply charge. This fee should be collected as part of this subdivision.

Additionally, the existing house was connected to City sewer in Lexington Avenue long before Sherwood Road was constructed. This service comes from Lexington across what is to be Lot 1. This service has to be disconnected at the Lexington Avenue right of way and inspected. A sewer permit is required.

Lake Johanna Fire Department

The Fire Marshal also reviewed the proposed subdivision and had no issues with the project.

Rice Creek Watershed

Rice Creek Watershed has been notified but as of this report we had not received any feedback.

Public Comment

Property owners within 350 feet were notified of the request. One comment has been submitted in response as of the date of this report. They were requesting that the look and feel of the neighborhood be upheld with any new homes and that the mature trees are conserved if at all possible.

STAFF RECOMMENDATION

The minor subdivision application has been reviewed in accordance with the standards of the Development Regulations and found to be in compliance with the adopted City standards. Single-family residential use of the property at the proposed density is consistent with the Comprehensive Plan and the development code. Staff recommends the Planning Commission recommend the Minor Subdivision to the City Council subject to the following conditions.

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. A drainage and utility easement will be required over the

wetland area, including the 16.5 foot buffer area, on all three parcels. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.

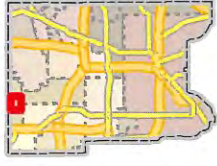
4. The developer shall erect signs at the edge of the 16.5' wetland buffer area.
5. The existing home, detached garages and drive on shall be removed. The sewer service for the existing home must be disconnected at the Lexington Avenue right of way. A sewer permit is required. This must be completed prior to the City endorsing the Deeds.
6. Municipal water and sanitary sewer service shall be provided to all three parcels.
7. The applicants shall pay the Source and Supply charge of \$2,208.75, as outlined in the memo from Senior Engineering Tech Tom Hammit, prior to the City endorsing the Deeds.
8. A Development Agreement for Construction must be executed prior to the issuance of a building permit for a new home on each property.
9. A Tree Protection and Replacement Plan shall be submitted with the Building Permit applications for the new homes on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement for Construction.
10. A Grading and Drainage Plan shall be submitted with the Building Permit applications for the new homes on each parcel. The items identified in the attached memo from the City Engineer shall be addressed in this Plan.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

Attachments

- 1) Aerial Location Maps
- 2) Submitted Statement and Plans
- 3) Memo – Tom Hammitt – Senior Engineering Technician
- 4) Response to Request for Comment
- 5) Motion



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports
- Parks (8-64K)
 - State Park
 - Regional Parks, Preserves, and Open Space
 - County Park
 - Local Parks
 - Golf Course
 - Special Use Facility
 - Rec Center

Notes

Enter Map Description

1,333.3 0 666.67 1,333.3 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

STATEMENT OF INTENDED USE

RE: 1075 Sherwood Road, Shoreview, MN 55126

Intention is to subdivide the above stated property into three separate lots for new, single-family construction builds.

Thank you.

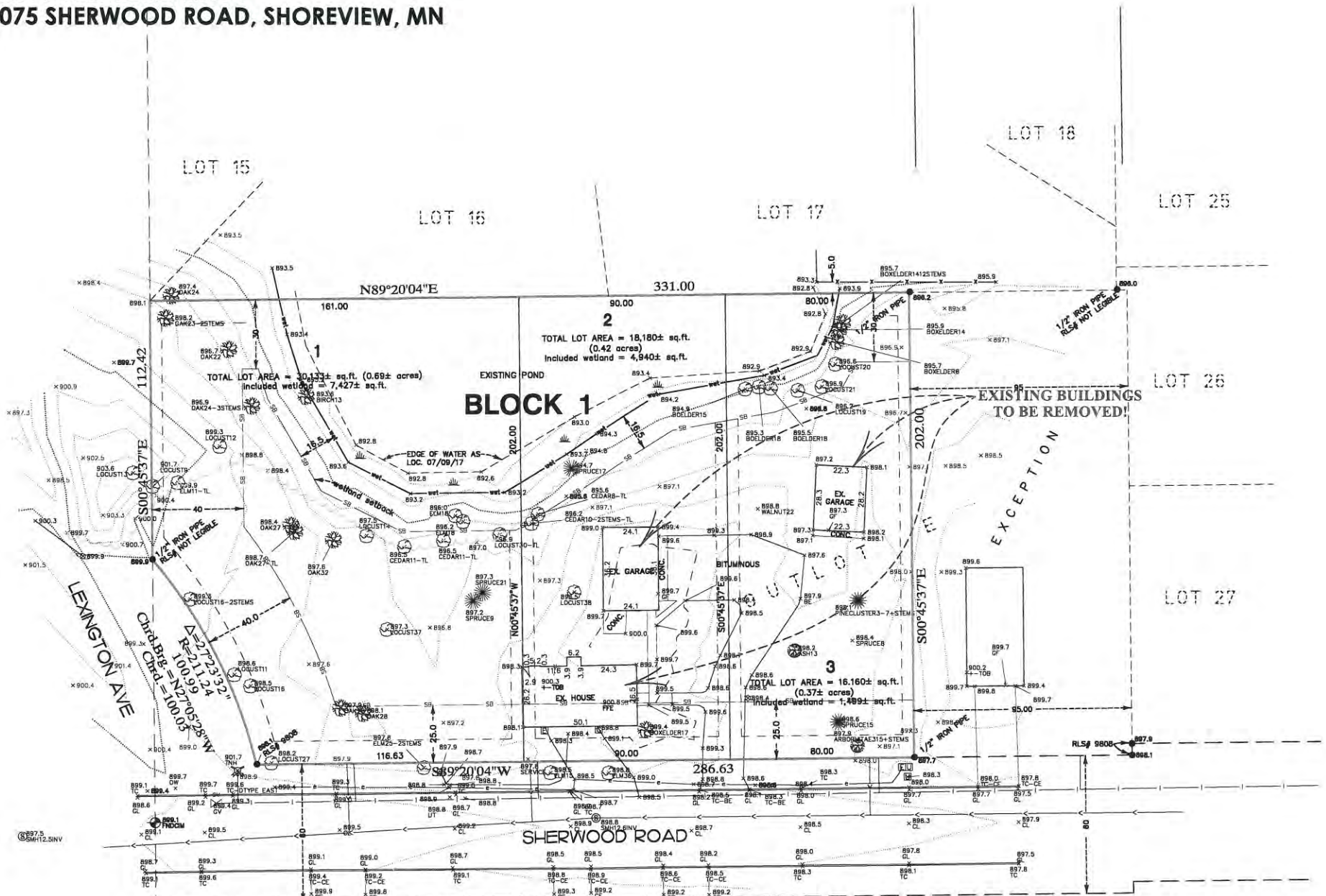
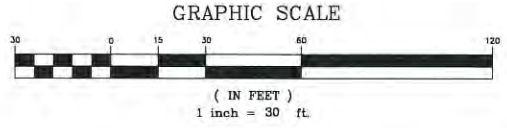
A handwritten signature in blue ink, appearing to read 'SCKA', with a large, stylized flourish at the end.

Sean C. Keatts
Databuild, LLC
651-468-5725

MINOR SUBDIVISION

~for~ SEAN KEATTS

PROPERTY IDENTIFICATION # 02.30.23.23.0091
 PROPERTY ADDRESS: #1075 SHERWOOD ROAD, SHOREVIEW, MN



NOTES

- Field survey conducted on July 9th, 2017.
- BEARING'S SHOWN ARE ON ASSUMED DATUM.
- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.
- WETLANDS SHOWN PER FIELD OBSERVED WETLAND LOCATION BY ACRE LAND SURVEYING. WETLANDS NOT DELINEATED IN FIELD.

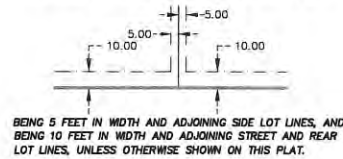
BENCHMARK

BASIS FOR ELEVATION: NAVD 88 (VIA REAL TIME GPS MEASUREMENTS UTILIZING MINNESOTA DEPARTMENT OF TRANSPORTATION VRS NETWORK)

DEVELOPMENT INFO:

- PROPERTY ZONED "R1"
- BUILDING SETBACKS:
 - FRONT - 25'
 - REA - 30'
 - SIDE HOUSE - 10'
 - SIDE GARAGE - 5'
 - LEXINGTON R/W - 40'
 - WETLAND BUFFER - 16.5'
- LOT STANDARDS:
 - CORNER LOT MINIMUM WIDTH = 90'
 - INTERIOR LOT MINIMUM WIDTH = 75'
 - MINIMUM LOT DEPTH = 125'
- TOTAL PROPERTY AREA = 64,473± sq.ft. (1.48± acres)

DRAINAGE AND UTILITY EASEMENTS ARE SHOWN THUS:



LEGAL DESCRIPTION

Outlot E, ROYAL OAK ESTATES FIRST ADDITION, Ramsey County, Minnesota, EXCEPT the east 95.00 feet thereof.

- This survey was prepared without the benefit of titlework. Easement, appurtenances and encumbrances may exist in addition to those shown hereon. This survey is subject to revision upon receipt of a title insurance commitment or attorneys title opinion.

LEGEND

- DENOTES IRON MONUMENT FOUND
- ⊙ DENOTES COUNTY MONUMENT
- ☆ DENOTES STREET LIGHT
- ⊠ DENOTES ELECTRIC METER/BOX
- ⊡ DENOTES GAS METER/BOX
- ⊞ DENOTES UTILITY BOX
- ⊞ DENOTES CABLE BOX
- ⊞ DENOTES TELEPHONE BOX
- ⊞ DENOTES SANITARY SEWER MANHOLE
- ⊞ DENOTES GATE VALVE
- ⊞ DENOTES FIRE HYDRANT
- DENOTES EXISTING CONTOUR
- DENOTES WATERMAIN
- DENOTES SANITARY SEWER
- DENOTES EXISTING FENCE
- x1011.2 DENOTES EXISTING ELEVATION.

I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

~PRELIMINARY 07/21/17~
 ERIC R. VICKARYOUS

Date: _____ Reg. No. 44125

MEMORANDUM

To: Niki Hill
Tom Wesolowski

From: Tom Hammitt

Date: August 16, 2017

Re: Subdivision of 1075 Sherwood Rd

The existing property at 1075 Sherwood Road is proposed for subdivision into three lots fronting on Sherwood Road. There are sewer and water services extended to the property line from Sherwood Road for all three lots. These were installed in 1982 by the developer of Royal Oaks.

The mains and services were constructed by the developer. The developer's construction costs took the place of the City assessment. The only item that was not paid at that time was the City's Source and Supply charge. This fee should be collected as part of the developers Agreement.

The fee is \$7.75 per foot of Sherwood frontage divided by 3 which averages 95 feet per lot. $95 \text{ feet} \times \$7.75 = \736.25 times 3 lots = \$2,208.75 to be collected.

The existing house was connected to City sewer in Lexington Avenue long before Sherwood Road was constructed. This service comes from Lexington across what is to be Lot 1. This service has to be disconnected at the Lexington right of way and inspected. A sewer permit is required. The new house will connect to new services on Sherwood Road.

There will be three new addresses for the property. 1075 Sherwood will not be re-used. The new addresses are proposed to be 1071, 1079 and 1089 Sherwood Road. I have attached a map showing the proposed addresses.

MapRamsey PROPOSED NEW ADDRESSES



Legend



- City Halls
- Schools
- Hospitals
- Fire Stations
- Police Stations
- Recreational Centers
- Parcel Points
- Parcel Boundaries
- Airports

Note:
 1075 WILL NOT BE USED.
 LOT #'S PER PRELIMINARY SURVEY 7/21/17
 TR 8/17/17

Notes

Enter Map Description

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
 THIS MAP IS NOT TO BE USED FOR NAVIGATION

© Ramsey County Enterprise GIS Division
 NAD_1983_HARN_Aci_MN_Ramsey_Feet



Nicole Hill <nhill@shoreviewmn.gov>

City of Shoreview - Proposed Minor Subdivision

Nate Berg <nberg@ljfd.org>

Tue, Aug 15, 2017 at 3:09 PM

To: Niki Hill <nhill@shoreviewmn.gov>

We have no issues

Nate Berg

Fire Marshal/Deputy Chief

Lake Johanna Fire Department

5545 Lexington Ave N

Shoreview, MN 55126

[\(651\) 481-7024](tel:6514817024)

nberg@ljfd.org

From: Niki Hill [mailto:nhill@shoreviewmn.gov]

Sent: Tuesday, August 15, 2017 1:46 PM

To: Nate Berg <nberg@ljfd.org>

Subject: Re: City of Shoreview - Proposed Minor Subdivision

[Quoted text hidden]



Nicole Hill <nhill@shoreviewmn.gov>

Minor Subdivision 1075 Sherwood Road 2667-17-20

1 message

Hagemeier, Scott <Scott.Hagemeier@wagner-group.com>

Tue, Aug 15, 2017 at 1:26 PM

To: "nhill@shoreviewmn.gov" <nhill@shoreviewmn.gov>

Hi Niki –

Thanks for giving us the opportunity to share our comments with you. My wife and I are all for the new subdivision coming in. Our comments are listed below. Please feel free to reach out with any clarifying questions.

- Look and feel of the neighborhood – One of the main reasons we picked Royal Oaks for our move (June 9th 2017 from St. Louis Park) was the fact that the neighborhood is unique. Many of our friends and family have moved into new construction neighborhoods where all houses look the same. Royal Oaks is the opposite. Every house is unique but work in harmony. We hope that the builder makes the entrance to our great neighborhood look and feel as if the homes have been there from day one.
- Mature trees – As it stands now we have many mature trees supplying privacy from one another's property. With construction comes heavy equipment and with heavy equipment comes maneuverability. Inevitably it is easier to remove obstacles to make it easier....work smarter not harder. We hope that the builder takes this into consideration as not only do the mature trees act as nature's privacy fence but also a fantastic sound dampener. It would be great if as many trees as possible can stay as this is truly a feature that draws people to established neighborhoods.

We look forward to welcoming new neighbors as so many of our neighbors have welcomed us.

Thanks,
Scott and Shelly Hagemeier

1090 Lawnview Ave.

**MOTION
TO APPROVE A MINOR SUBDIVISION
SEAN KEATTS
1075 SHERWOOD ROAD**

MOVED BY COMMISSION MEMBER: _____

SECONDED BY COMMISSION MEMBER: _____

To approve the minor subdivision request to subdivide the property into three parcels creating two new parcels for single-family residential use subject to the following conditions:

Minor Subdivision

1. The minor subdivision shall be in accordance with the plans submitted.
2. The applicant shall pay a Public Recreation Use Dedication fee as required by Section 204.020 of the Development Regulations before the City will endorse deeds for recording. The fee will be 4% of the fair market value of the property, with credit given for the existing residence.
3. Public drainage and utility easements shall be dedicated to the City as required by the Public Works Director. A drainage and utility easement will be required over the wetland area, including the 16.5 foot buffer area, on all three parcels. The applicant shall be responsible for providing legal descriptions for all required easements. Easements shall be conveyed before the City will endorse deeds for recording.
4. The developer shall erect signs at the edge of the 16.5' wetland buffer area.
5. The existing home, detached garages and drive on shall be removed. The sewer service for the existing home must be disconnected at the Lexington Avenue right of way. A sewer permit is required. This must be completed prior to the City endorsing the Deeds.
6. Municipal water and sanitary sewer service shall be provided to all three parcels.
7. The applicants shall pay the Source and Supply charge of \$2,208.75, as outlined in the memo from Senior Engineering Tech Tom Hammit, prior to the City endorsing the Deeds.
8. A Development Agreement for Construction must be executed prior to the issuance of a building permit for a new home on each property.
9. A Tree Protection and Replacement Plan shall be submitted with the Building Permit applications for the new homes on each parcel. Tree removal requires replacement trees per City Code. City requirements for the tree removal and protection plan shall be detailed in the Development Agreement for Construction.
10. A Grading and Drainage Plan shall be submitted with the Building Permit applications for the new homes on each parcel. The items identified in the attached memo from the City Engineer shall be addressed in this Plan.
11. This approval shall expire after one year if the subdivision has not been recorded with Ramsey County

This approval is based on the following findings of fact:

1. The proposed land use is consistent with the policies of the Comprehensive Plan, including the Land Use.
2. The proposed subdivision supports the policies of the Comprehensive Plan by providing additional housing opportunity in the City.
3. The parcels comply with the minimum standards of the R1, Detached Residential District.

VOTE:

AYES:

NAYS:

TO: Planning Commission
FROM: Aaron Sedey Associate Planner
DATE: August 17, 2017
SUBJECT: File No.2665-17-18, Variances: Peter and Shantel Rivard, 212 Owasso Lane E

INTRODUCTION

Peter and Shantel Rivard are asking for variances to keep two water oriented accessory structures, a deck and shed, that do not conform to the City's code requirements. The Rivard's submitted the following variance applications:

General

1. To exceed the maximum allowed one water-oriented structure; 2 proposed with a total area of both structures is 485.7 square feet.
2. To exceed the maximum 25% impervious surface allowed; 29.7% proposed.

Deck

1. To reduce minimum 10 foot structure setback from the OHWL; 0 feet proposed.
2. To exceed the 250 square feet in area for a water oriented structure, 383.7 square feet.
3. To exceed not wider than 12 feet as viewed from the water; 20.8 feet proposed.
4. To reduce the side yard setback from property line from 20 feet; 0 feet proposed.

Shed

1. To reduce the side yard setback from property line from 20 feet; 3.8 feet proposed.

BACKGROUND

The Rivards submitted the variance application to remedy the nonconformities existing on their property. The applicants purchased the property in 2013. They have stated that the property was previously improved with the lakeside deck, storage shed and the impervious surface coverage.

The City became aware of these improvements when a call was received about a structure being constructed on the water's edge. Upon review by Staff, it was found that there were no active permits for the property, therefore, a stop work order was issued on June 6th, 2017. At that time, the property owner indicated that the deck boards and structural components were being repaired or replaced. The Building Code requires a permit for replacement of deck boards with composite boards and altering structural components. Both structures are nonconforming because they do not comply with the current Development Code standards and building permits were not issued permitting their construction.

Staff met with the owner to discuss options, including the removal of the structures and the variance process. The owners have indicated that the improvements are important features of the property and have chosen to pursue variances in order to retain both structures.

PROJECT DESCRIPTION

The subject property is a substandard riparian lot located in the R1 – Detached Residential District on the East side of Lake Owasso. The property is also in the Shoreland Overlay District. The lot area is 21,405 square feet above the OHWL, with a width of 50 feet along Owasso Lane

East and a depth of approximately 430 feet to the OHWL. The lot gently slopes down from the street to the house, but then drops rather quickly approximately 70-feet from the home towards the lakeshore. The current home, built in 2001, was approved through the residential design review process, and has a 1,440 square foot foundation plus a 989 square foot detached garage that is located closer to the street. The deck hovers on the OHWL and is adjacent to the north side the property line. The shed is 3.8 feet from the north side property line and is dug into the hillside. The shed was moved by the previous owner between 2008 and 2009 and the deck was built between 2009 and 2011. The impervious surface limit was also increased by the previous homeowner without approval.

Both structures are nonconforming because they do not comply with the current Development Code standards and building permits were not issued permitting their construction. The applicant proposes to keep both nonconforming water oriented structures in their current locations.

DEVELOPMENT CODE REQUIREMENTS

The property is located in the R-1 Detached Residential District with the Shoreland Overlay District. The lot is a substandard lot since it is 50-feet wide less width than the 100-foot requirement for a standard lot (Section 209.080(D)). The 209.080(F)(3) Code States, “On residential property, only one water-oriented accessory structure may be located between the OHW level and the required structure setback, subject to compliance with the standards listed below in subsections (a) - (c). Accessory structures that existed prior to June 21, 1993 and which do not comply with the provisions stated herein may be maintained, repaired, or rebuilt but cannot be expanded in floor area or height.” Applicable portions:

- (3)(c) (i) - It does not exceed 250 square feet in area, unless a boathouse which shall not exceed 288 square feet of area,
- (3)(c) (ii) - It is not wider than 12 feet as viewed from the water,
- (3)(c) (iv) - It is setback at least 20 feet from side property lines except where not possible due to lot width, in such case, the structure shall be located in the center of the lot or as otherwise deemed acceptable by the Planning Commission,
- (3)(c) (vii) - No water-oriented structure (other than a lawful boathouse) or off-season storage of an ice fishing house is permitted within the Shore Impact Zone. This setback requirement may be waived, but shall not be reduced to less than 10 feet from the OHW, if the Planning Commission determines that a practical difficulty exists which renders strict compliance to be unreasonable. Practical difficulty shall be defined as due to topography or other circumstance acceptable to the City.

The 209.080(J)(1) Code States, “Detached Residential – Standard Riparian and Non-Riparian Lots. Impervious surface area shall not exceed 25 percent unless the following conditions are satisfied and, in no case, shall impervious surface area exceed 40 percent:

- (a) No water-oriented accessory structures (except docks, boatlifts, and retaining walls) will be located within the shore impact zone.
- (b) No more than 50 percent of the impervious area on the property drains directly to an adjoining protected water.”

Variations are requested to keep both nonconforming water oriented accessory structures in the location they currently are in and retain the impervious surface coverage of 29.7%

Variance Criteria (Section 203.070)

When considering a variance request, the Commission must determine whether the ordinance causes the property owner practical difficulty and find that granting the variance is in keeping with the spirit and intent of the Development Code. Practical difficulty is defined and reviewed using these criteria:

1. *Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.*
2. *Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.*
3. *Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.*

APPLICANT'S STATEMENT

The applicant states that practical difficulty is due to the previous owners moving the shed without a permit and building the deck without a permit. They would be unfairly punished for the previous owner's failure to obtain proper approval. Also, moving the structures into conformance is hindered by the slope and width of the property. Moving the shed to the middle of the lot would also obstruct the view from the home to the lake.

STAFF REVIEW

As previously stated, the Staff became aware of the deck and shed when a phone call was received from a resident questioning the legality of the deck re-construction. Based on a review of records on file for the property and site inspection, Staff determined that these structures were not permitted and are illegal nonconforming structures. Section 207.050 (G) requires the owners of illegal nonconforming structures to remove the structure or adapt them so they become compliant with the code standards.

This is an unfortunate situation since the current owners and applicants were not responsible for the initial installation and construction of these structures. If, however, a building permit application had been submitted by the applicants for the deck reconstruction, the Staff would have informed the owners of the nonconforming regulations at that time.

The applicants are asking to retain both the nonconforming water-oriented structures and the impervious surface coverage. In exchange, per the Shoreland Mitigation requirements, the property owners are proposing to install a shoreland buffer.

While Staff is sympathetic to the applicants due to the circumstances involved, Staff cannot make the necessary findings of fact to approve the variance.

Reasonable Manner. The property owner proposes to use the property in a reasonable manner not permitted by the Shoreview Development Regulations.

The single family residence can still be used in a reasonable manner with only one of the current water oriented structures brought into conformance with setbacks regulated by the code.

Unique Circumstances. The plight of the property owner is due to circumstances unique to the property not created by the property owner.

The plight of the property owner is not due to circumstances unique to the property but due to the previous owners actions. There is nothing unique to this property that warrants two water-oriented structures that are non-conforming to the Shoreland District requirements. While utilization of the area by the water is desirable for the applicant, the lakeshore can be enjoyed with a water-oriented structure that complies with the code standards. Since the property is not unique, staff believes that it will set precedence for those that lawfully abide by the Code, as the previous owner did not go through the property channels for improving the property. The unique circumstance is tied to the previous owner not following proper procedure for these two structures and impervious surface limit.

Character of Neighborhood. The variance, if granted, will not alter the essential character of the neighborhood.

The applicants have provided information, including photographs, of other water-oriented structures on Lake Owasso. While Staff is aware that there could be other non-conforming water oriented structures in existence it is not known whether or not these structures are legal or illegal structures. In reviewing aerial photos, the majority of properties on the east side of Lake Owasso appear to have either no water oriented structures or only one. Most appear to be setback from the lake and adjoining property lines. The number of water oriented structures and their location on the applicant's property is not in keeping with the character of the neighborhood.

Staff does believe that there are options available to bring the property into compliance. These options include one or a combination of the following; removing one water-oriented structure and relocating the structure so as to meet the required setbacks from the lakeshore and adjoining properties, reducing the size of the structure (s), removing impervious surface and using additional mitigation techniques.

SHORELAND MITIGATION

In accordance with the Development Code, shoreland mitigation is required of the property owners who are seeking certain land use approvals through the City. The applicants have identified they will use Architectural Mass. Shoreland buffer will be utilized. A plan will be submitted to staff for review before approval if granted. The applicants are required to enter into a Mitigation Agreement with the City.

PUBLIC COMMENT

Property owners within 150 feet were notified of the applicant's request. Two comments of support have been received.

The DNR has concerns about the deck extending over or on the OHWL, as this would be a Public Waters Violation. They suggest that a licensed surveyor should mark the OHWL and take a picture to verify the location of the deck in relation to the OHWL. If practical difficulty is not present then a variance should not be granted. Attached is an email from the DNR staff.

City Attorney Joseph Kelly has addressed this planning case in a memo attached. He reviews the variance process and components to be addressed while reviewing this case. He summarizes that this is a difficult situation for the City to review objectively. However, the City must reach its decision in a manner that is not arbitrary and capricious. The variances requested are all involving existing illegal structures. The transfer from one property owner to another does not change the structures' status.

STAFF RECOMMENDATION

While the Staff is sympathetic to the plight of the applicants, it is Staff's opinion that practical difficulty is not present. The lot can still be used in a manner which is reasonable in accordance with the Shoreland District requirements which does permit one water-oriented structure. Further, the issues were created by the previous owner by illegally building, moving structures and adding impervious surfaces. This situation may be unique, however, it is not a unique circumstance created by a characteristic of the property. Further, retaining both illegal non-conforming structures does not appear to be in character with other lakeshore properties on the east side of Lake Owasso.

If the Planning Commission is supportive of the variance requests, a resolution needs to be adopted to include the findings for practical difficulty.









Attachments:

- 1) Location Map
- 2) Applicant's Statement and Submitted Plans
- 3) Comments
- 4) Resolution No. 17-52
- 5) Motion



Legend



-  City Halls
-  Schools
-  Hospitals
-  Fire Stations
-  Police Stations
-  Recreational Centers
-  Parcel Points
-  Parcel Boundaries

400.0 0 200.00 400.0 Feet

NAD_1983_HARN_Adj_MN_Ramsey_Feet
© Ramsey County Enterprise GIS Division

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter Map Description



Residential Standard Variance Application

For

212 East Owasso Lane, Shoreview, MN 55126

Dear Planning Commission,

Thank you for your time and consideration of our variance application and for volunteering your time to City of Shoreview.

Sincerely,

Peter, Shantel, Drake and Ryker Rivard



The Rivards of 212 E Owasso Ln

Residential Standard Variance Application for 212 East Owasso Lane

1. Completed application form (See Attached)
2. Requested variances:
 - a. Apply to a water-oriented accessory structure which by definition contained in the City of Shoreview Municipal Code Section 202 an *Accessory Building, Water-Oriented* is a small, above-ground building or structure which because of its relationship to the use and enjoyment of a public water, is permitted to be located closer to the water than the required structure setback. Examples of such structures include boathouses, storage sheds, patios, screen porches/gazebos, and detached decks. Stairways, fences, retaining walls, docks and dock sections, and boatlifts are not included in this definition. In this application the variance applies to an existing deck.
 - b. 209.080 (D) *structure setback from ordinary high water (OHW) level: 50 Ft*
Current: 0-5 FT (depending where you measure from: footings verses edge)
 - c. 209.080 (F)(3) *only one water-oriented accessory structure may be located between the OHW level and the required structure setback*
Current: two
 - d. 209.080 (F)(3)(c)(i) *it does not exceed 250 square feet in area, unless a boathouse which shall not exceed 288 square feet of area*
Current: 383.7 square feet
 - e. 209.080 (F)(3)(c)(ii) *it is not wider than 12 feet as viewed from the water*
Current: 20.8 feet
 - f. 209.080 (F)(3)(c)(iv) *it is setback at least 20 feet from side property lines except where not possible due to lot width, in such case, the structure shall be located in the center of the lot or as otherwise deemed acceptable by the Planning Commission*
Current: 0-4 feet
3. Justification
 - a. This variance request is unique. The deck already exists and has existed for at least 8 years. See attached photo for a picture of the deck after moving in (Summer 2013). The previous owner of 212 E Owasso Lane was responsible for building the deck. The existing footprint remains the same except for shrinking it by 12 ft². See attached drawing. The deck is in the process of being repaired in order to satisfy code, section 211.060 (A), stating, "All structures, buildings, fences and landscaping shall be maintained so as to prevent unsightliness, health hazards, or unsafe conditions". Pictures of the deck in the current state are attached.
 - b. Since the structure existed for 8 years it can be assumed it did not conflict with the purpose and intent of City Code Section 201.010.
 - c. There are 2 unique circumstances contributing to the plight of the property owners:
 - i. The slope of the rear property. See photos and property survey.
 - ii. The width of the property.
 - iii. The property was purchased in 2013 by *new* Shoreview residents with a young active family. The deck largely contributed to the attractiveness and value of the property. The negative of the long steep hill was offset by the ability to host large numbers of friends, family and neighbors lakeside at one time, year-round due to the

necessary large flat area that was created by the deck. In addition, the shed was perfect for storage of lake toys and gear in the summer and an ice hockey warming house in the winter. The property owners have aging parents (one who has limited mobility), so having a stable, flat surface is required for lakeside family gathering. Without the deck there is not a flat area.

- iv. Consideration to move the shed from the current location in order to meet 209.080 (D) and 209.080 (F)(3)(c)(iv) introduces practical difficulty due to the lot width and slope. If moved to meet 20 ft from the side property line it would be located in the center of the lot causing sight obstructions to the current property owners and neighboring property owners. In the current location, the shed is next to the easement along the tree line and is camouflaged by the hill and trees. Additionally, the property owners would not be able to get the dock and boat lift in and out of the water if the shed were located in the middle of the property due to the property width and trees lining the property.
 - d. The variance, if granted, will NOT alter the essential character of the neighborhood
 - i. It has existed in the neighborhood for the last 8 years (and has become part of the neighborhood charm for the property owners and their neighbors). See attached petition showing support of the surrounding neighbors to keep the deck.
 - ii. The appearance is being improved with the repairs. The current property owners are committed to maintaining a safe and attractive property.
 - iii. A collection of photos were taken from around the lake in order to exhibit that 212 E Owasso Lane lakeside does not jeopardize the character of the neighborhood. See attached.
 - e. Economic considerations – the current property owner has already purchased the materials (\$3926.18) and completed the majority of the repair to the structure.
 - f. Other considerations for the Planning Commission review:
 - i. Current property owners would be unfairly punished for the actions of previous property owners not following proper procedure 8 years ago.
 - ii. Current property owners would be unfairly punished since the lake has plenty of examples of shorelines with similar water-oriented accessory structure (placements and sizes).
4. Other applications and approvals – NA
 5. Scaled property line map and existing structure under variance review – See attachment
 6. Grading, drainage, and utility plan – NA; no change
 7. Building elevations – NA; Color: Driftwood Grey
 8. Landscape Plan –
 - a. The property owners have reached out to the Ramsey-Washington Metro Watershed District, DNR and Blue Thumb partner, Nelco Landscaping, in order to make positive impact changes to their yard with potential shoreline restoration and rain gardens. Plan in-process.
 9. Plan sheets – See attached for the existing structure dimensions (not a plan); the footprint remains the same except for shrinking it by 12ft².

Shoreline Mitigation

1. Shoreline Restoration –
 - Nelco Landscaping, a Blue Thumb partner, is planning the shoreline restoration project
 - See attached for the signed proposal.
2. Architectural Mass –
 - All property structures are natural colors (tan with green trim)

Inventory of impervious surfaces - See attached.

- No areas of existing impervious coverage are planning to be removed


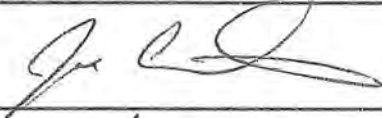
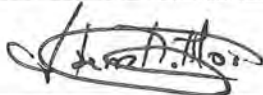
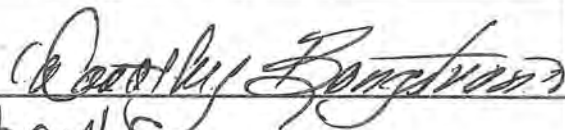



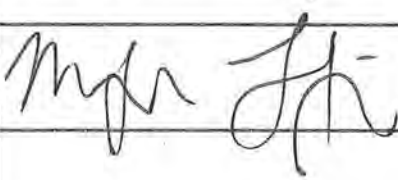
Dear Lake Owasso Community Neighbors:

The City of Shoreview received a complaint in regard to the repair of the deck located at the water's edge of 212 E Owasso Lane, residence of Peter and Shantel Rivard. The deck was built by the previous owner in 2008 or 2009. A permit was not obtained by the previous owner and does not meet all the City of Shoreview Section 209.080 Codes. Because of this, we are putting forth a standard variance application and will present our case to the Planning Commission on August 22, 2017 in hopes of keeping what we purchased in 2013.

The objective of this petition is to show support to keep the water-oriented accessory structures located at 212 E Owasso Lane in their current location with the same footprint. If approved, the deck repair will be completed in order to be safe and visually appealing.

By signing below you agree that the water-oriented accessory structures at 212 E Owasso Lane:

- o Are acceptable in appearance, location and size
- o Do not alter the essential character of the neighborhood
- o Are used in a reasonable manner
- o Pose no issues for you or your family

Name	Address	Signature(s)
DAWN COLIHAN	218 EAST OWASSO LANE, 55126	
Joe Colihan	" "	
Montse Tarremorell	226 E. Owasso Lane	
Donna Bergstrom	334 E Owasso Ln.	
Andrew Gallard	230 E Owasso Lane	
Mega Gallard	230 E. OWASSO LANE	
Catherine Yach	3205 Woodbridge	Catherine Yach
Jill Terry	3211 Woodbridge St	Jill Terry
Bob Terry	3211 Woodbridge St	
Megan Tragiai	206 E. Owasso Ln	

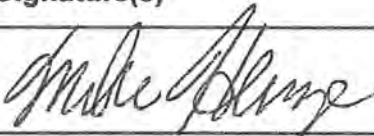
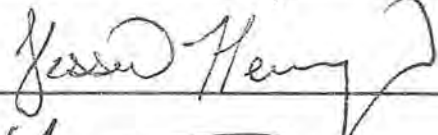

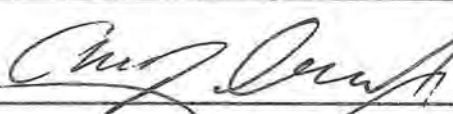

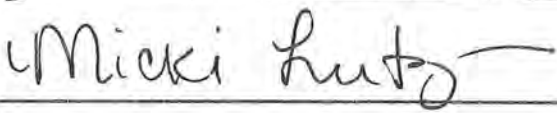
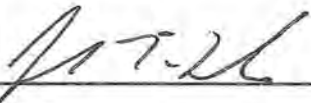

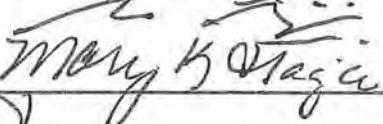

Dear Lake Owasso Community Neighbors:

The City of Shoreview received a complaint in regard to the repair of the deck located at the water's edge of 212 E Owasso Lane, residence of Peter and Shantel Rivard. The deck was built by the previous owner in 2008 or 2009. A permit was not obtained by the previous owner and does not meet all the City of Shoreview Section 209.080 Codes. Because of this, we are putting forth a standard variance application and will present our case to the Planning Commission on August 22, 2017 in hopes of keeping what we purchased in 2013.

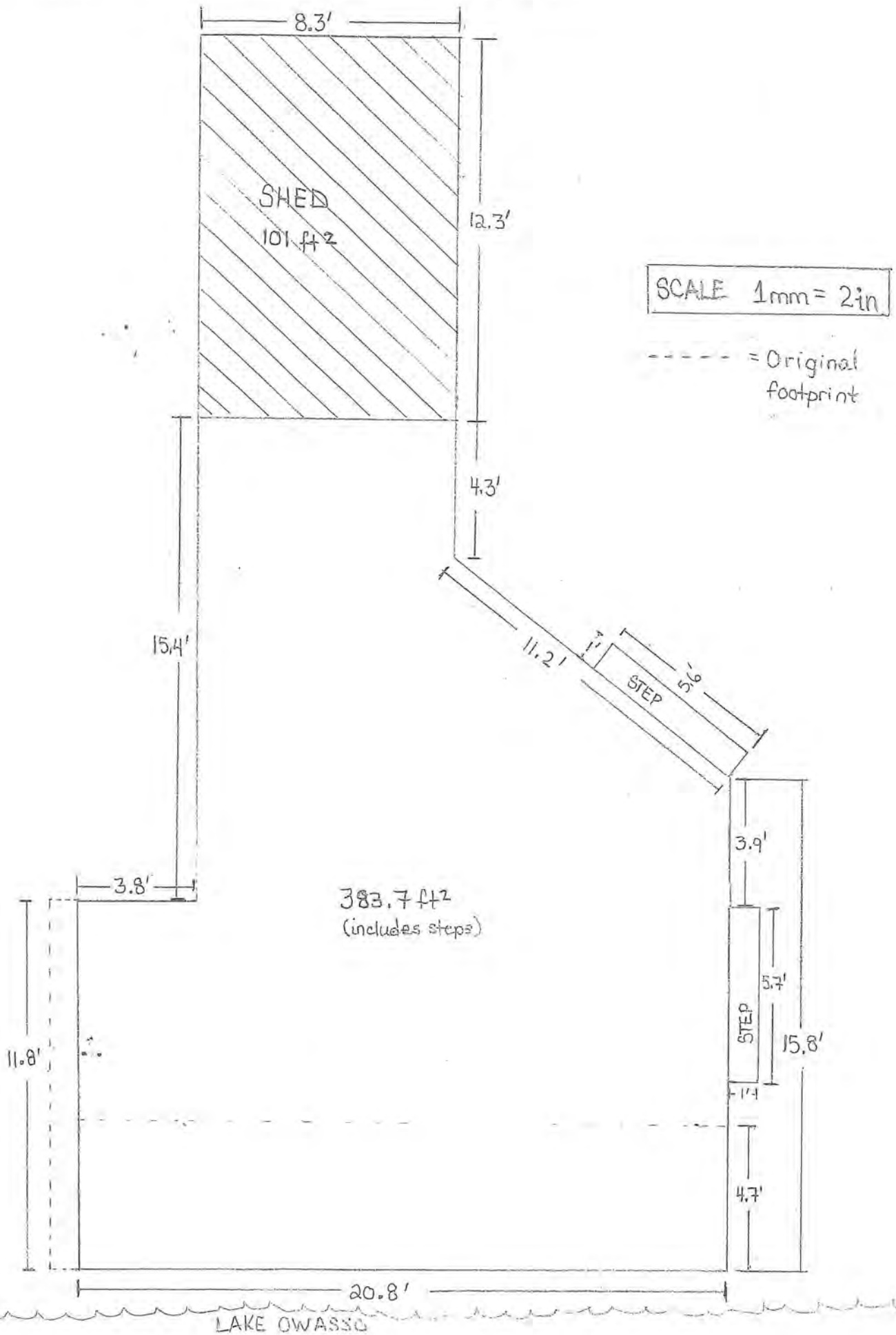
The objective of this petition is to show support to keep the water-oriented accessory structures located at 212 E Owasso Lane in their current location with the same footprint. If approved, the deck repair will be completed in order to be safe and visually appealing.

By signing below you agree that the water-oriented accessory structures at 212 E Owasso Lane:

- o Are acceptable in appearance, location and size
- o Do not alter the essential character of the neighborhood
- o Are used in a reasonable manner
- o Pose no issues for you or your family

Name	Address	Signature(s)
Mike Heinze	223 East Owasso Lane	
Jessica Heinze	223 East Owasso Ln	
MEGA CASSEL	211 E. OWASSO LN	
ANDY CASSEL	211 E. OWASSO LN	
David Lutz	3137 Woodbridge St	
Micki Lutz	3137 Woodbridge St	
Jake Donahue	200 E. Owasso Ln	
Terry McLaughlin Nicole Kveton	1916 E OWASSO LN	
Mary Paul Tragica	206 E. OWASSO LN	
Karen Strick	270 WASSO LN	

212 E. OWASSO LANE - VARIANCE APPLICATION

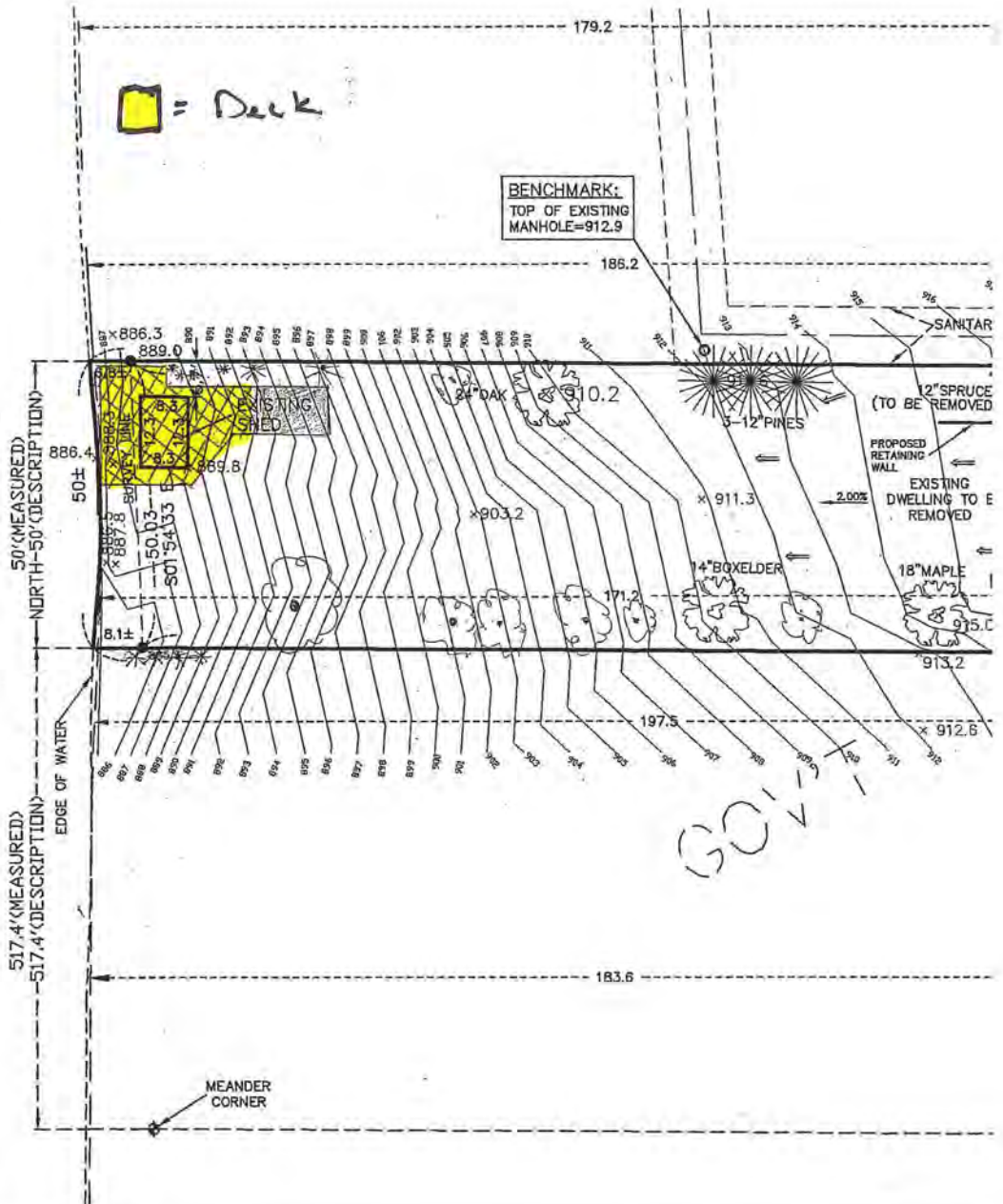


I hereby certify that this survey was prepared by me or under my direct supervision and that I am a Professional Engineer and a Professional Surveyor under the Laws of the State of Minnesota.

James H. Parker
James H. Parker P.E. & L.S. No. 9235, President

LAKE OWASSO

DNR HIGH WATER MARK=886.6
WATER ELEVATION=886.5 ON 9/6/00



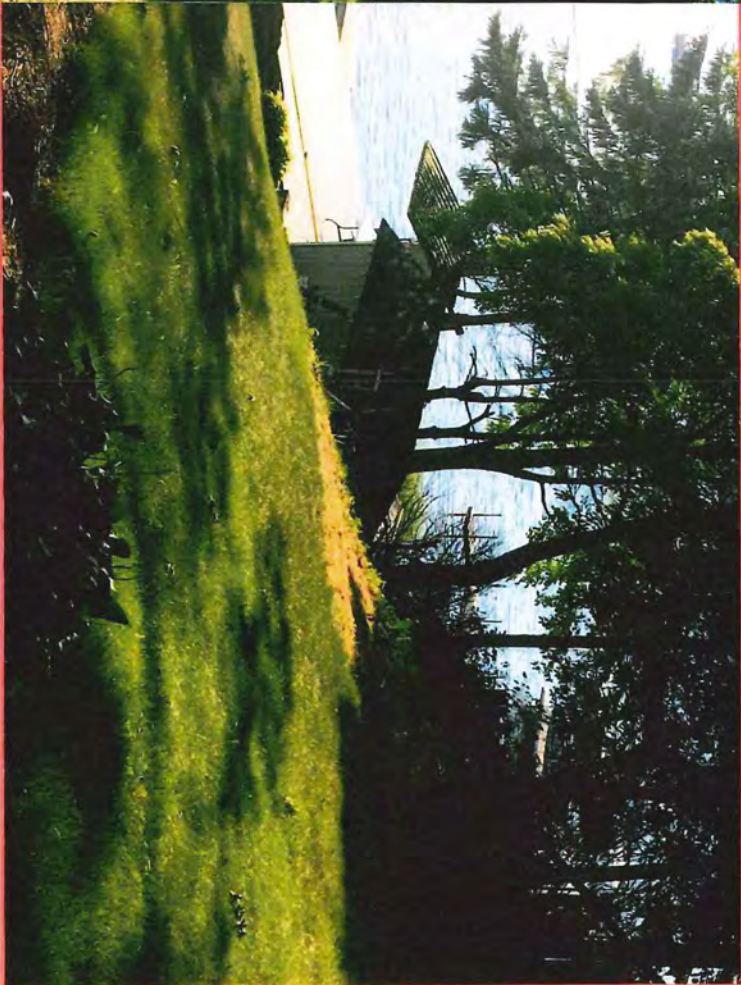
JULY 2013 → WHEN WE MOVED HERE



PHOTO OF PRE-EXISTING DECK

Practical Difficulty : Slope + Width
Picture taken from bottom of hill, Cannot See 2
Levels of House





Slope of hill



Picture from top of hill



Slope of hill
Width of lot



In Process. Repair of Deck



In Process Repair of Deck
Current State









Shed in behind may be on other lot



← Start of Deck

Water Oriented Structure
(Picture Dock)

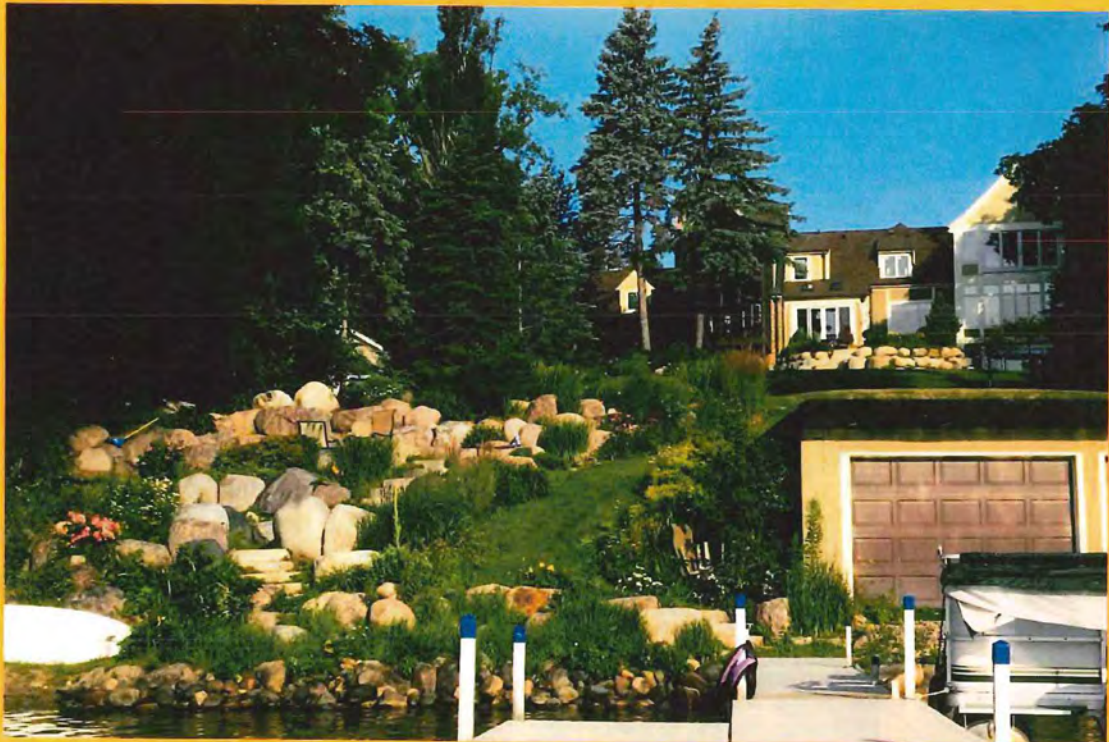


Deck →



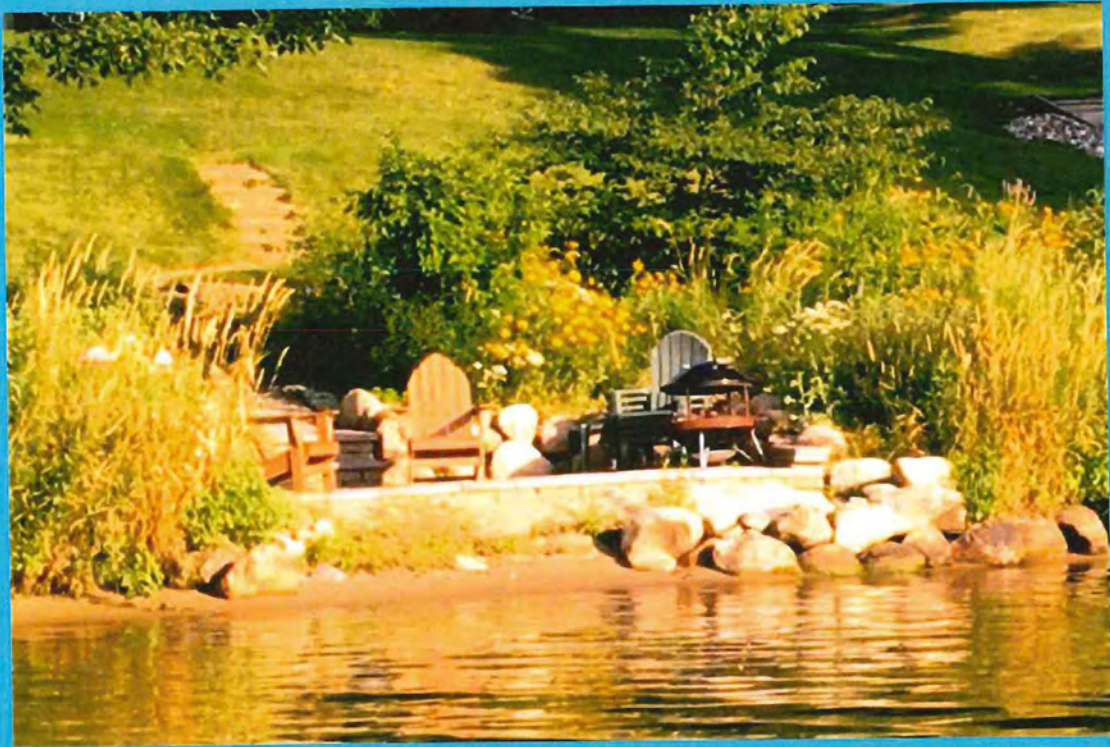


Multiple Patios + Boathouse



Patio

Boathouse

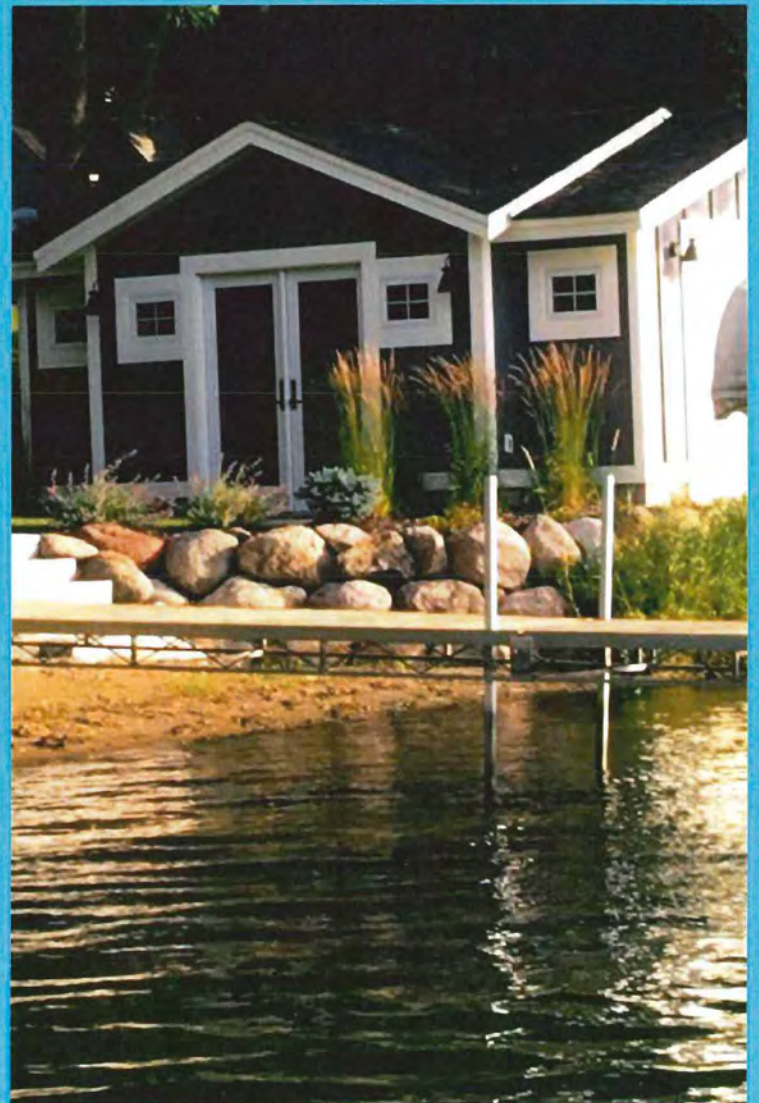


Patios





Patio + Boat house



Bathhouse + Patio



Raised Deck

Bathhouse with Patio



Patio + Storage Shed





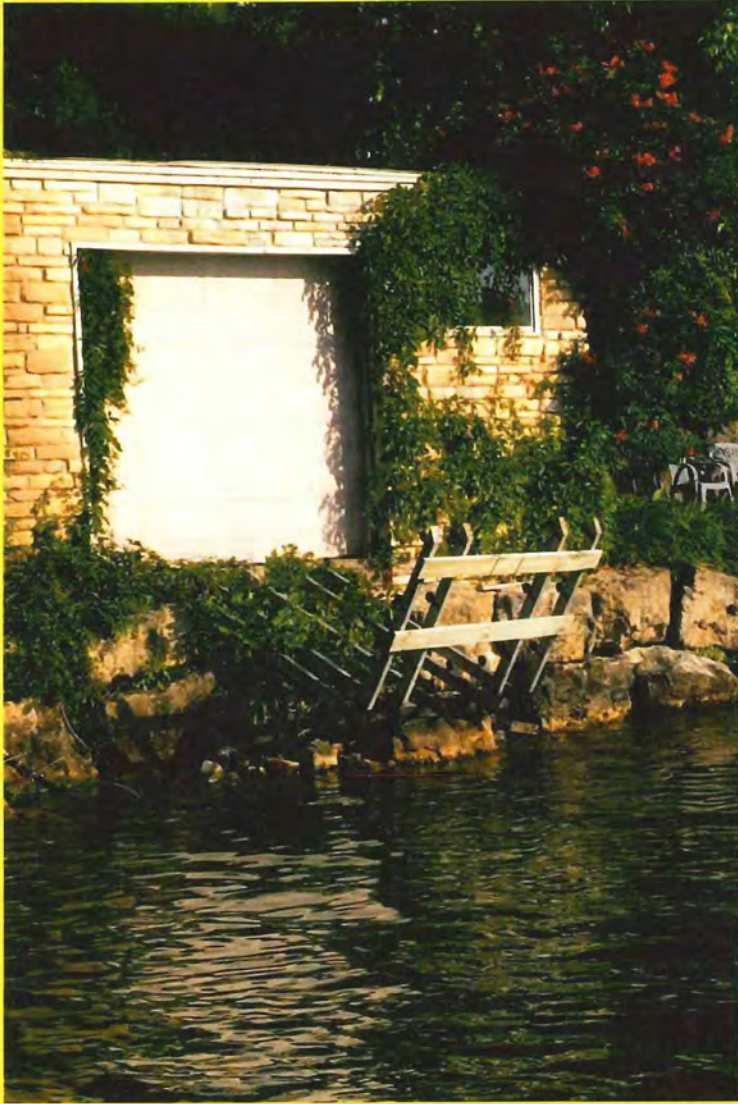
Boathouse

Shed →

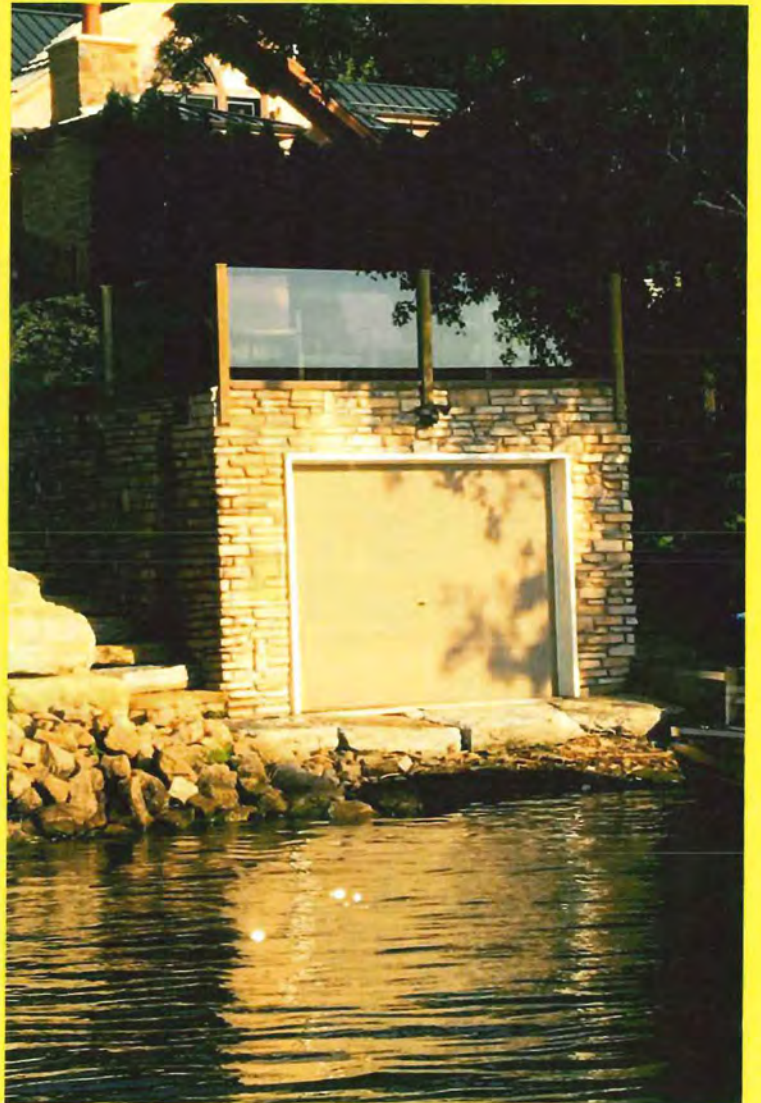
Boathouse + Shed



Shed →



Boathouses





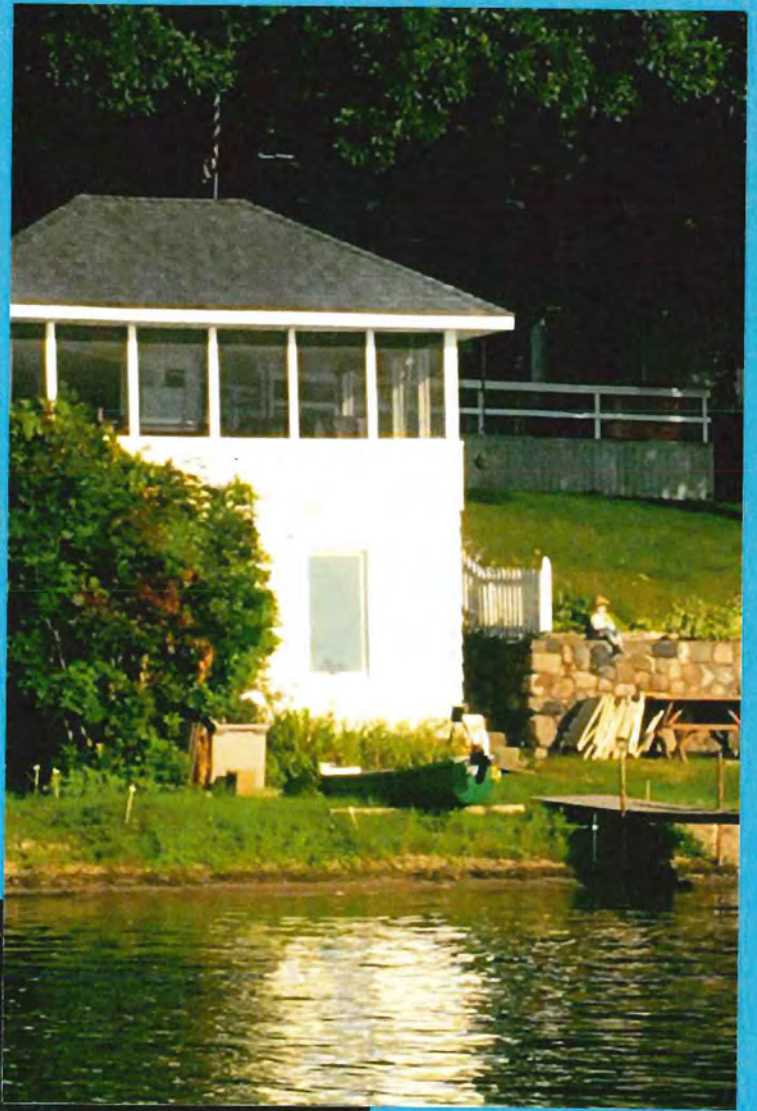
BOATHOUSES





Boathouse S





Boathouses

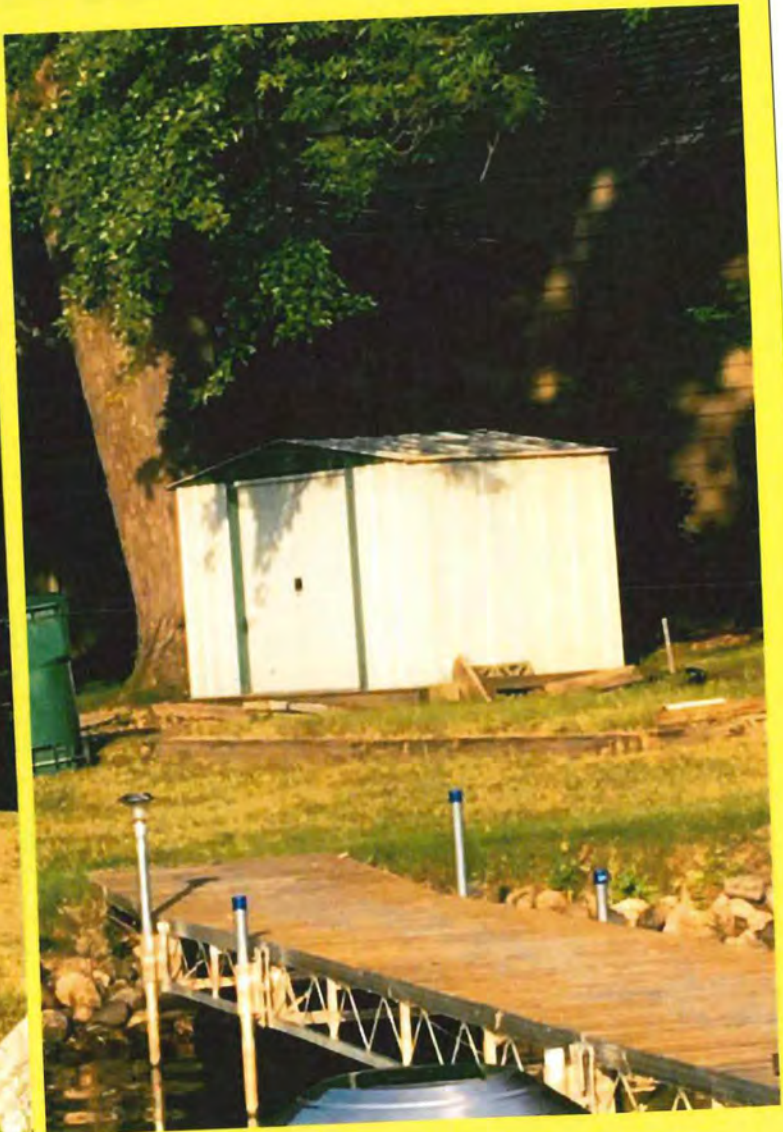


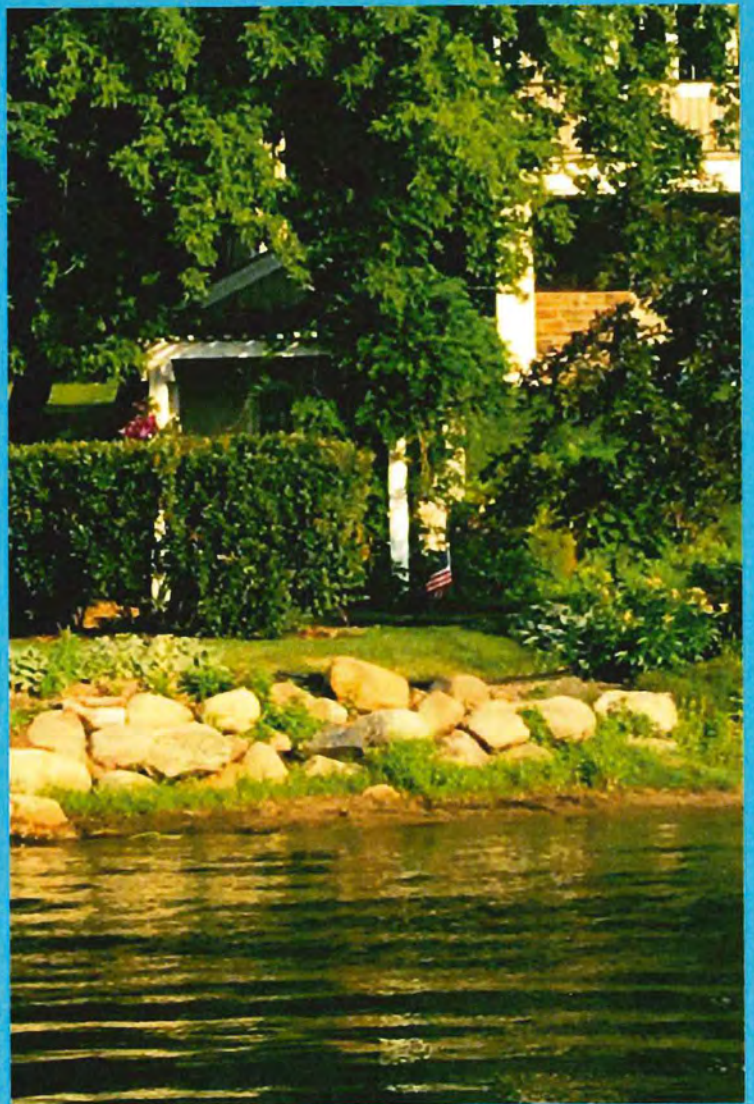


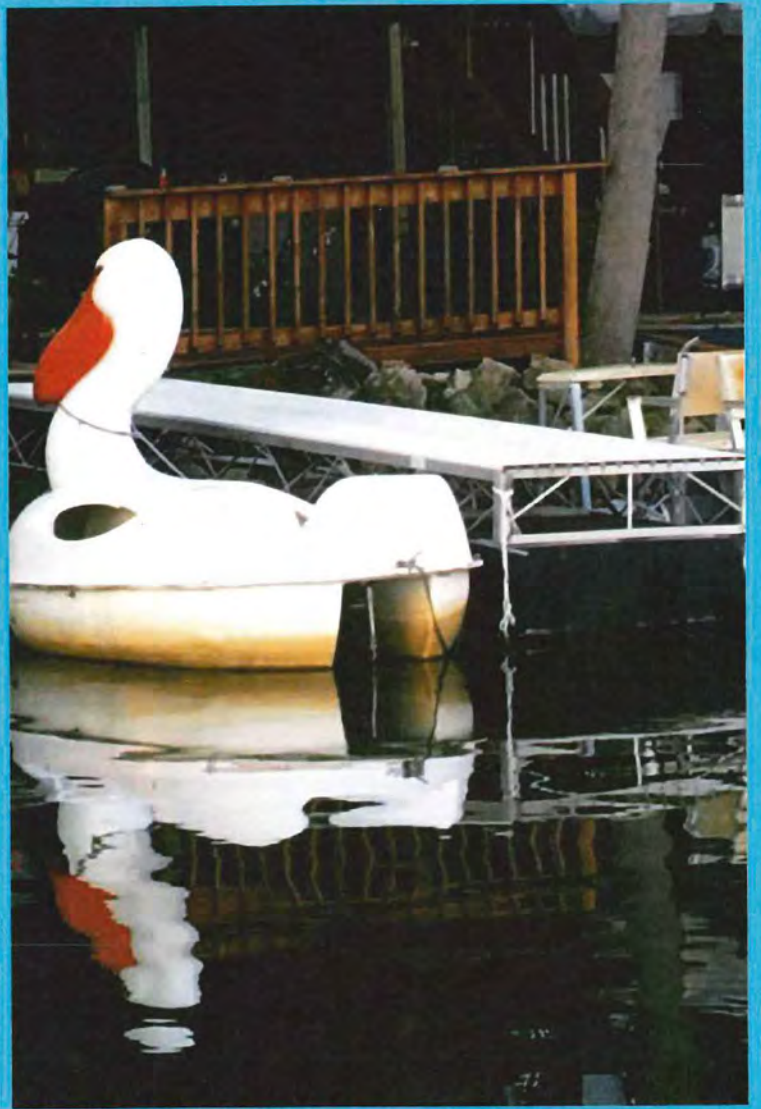
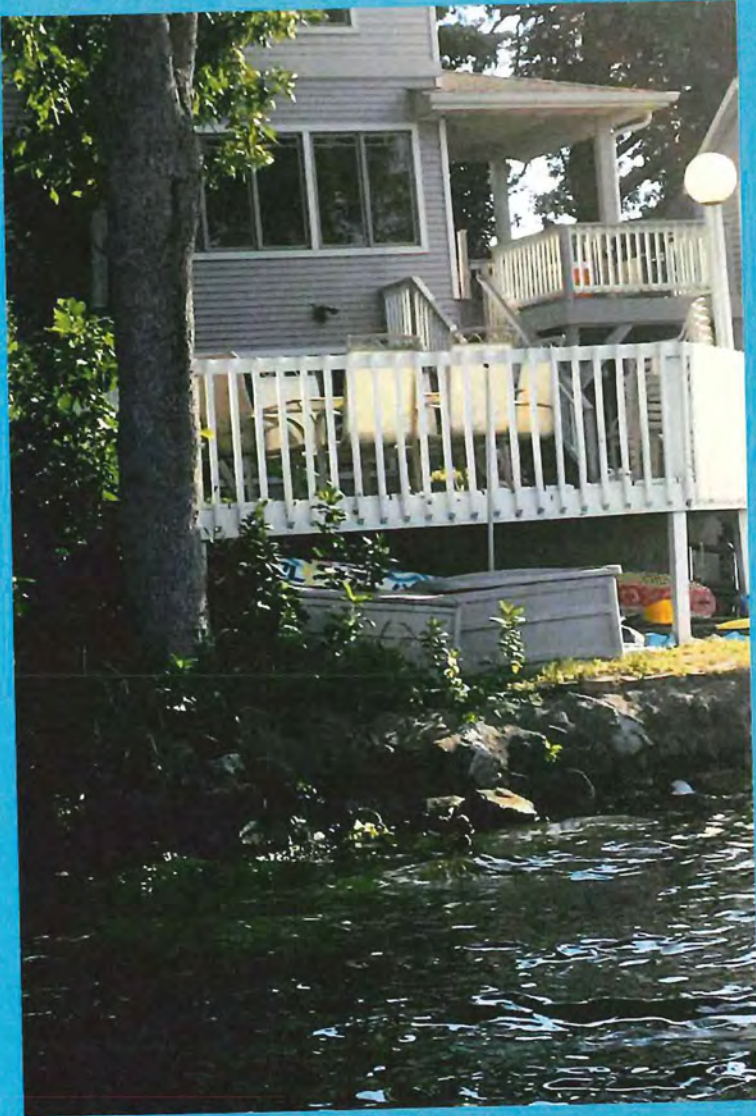


↑ Water's Edge

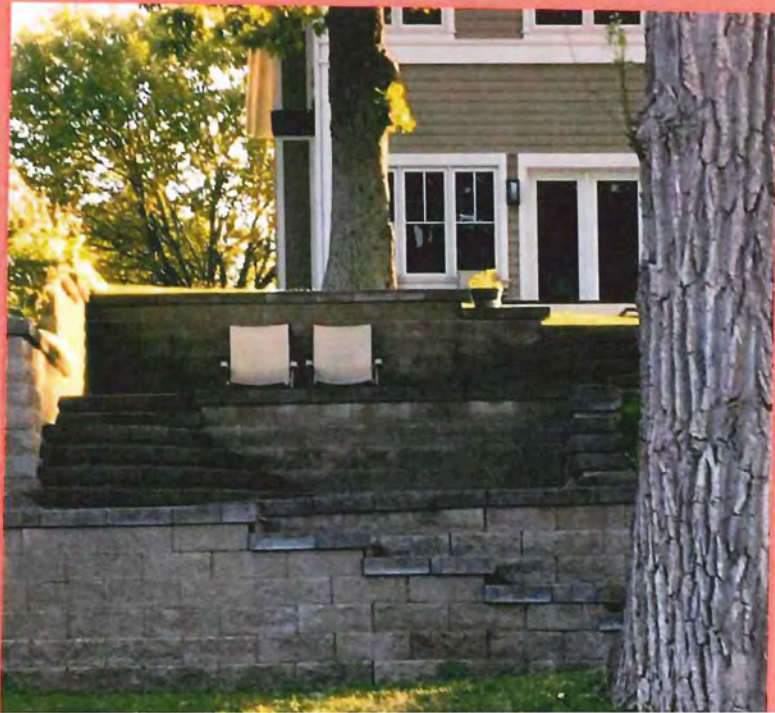
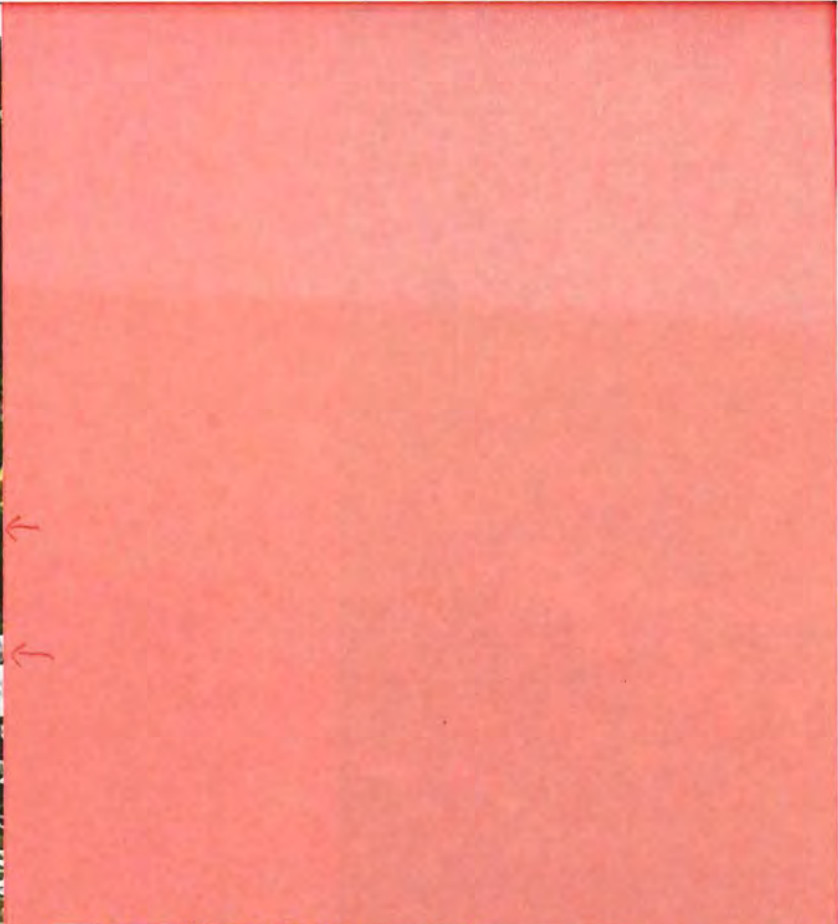


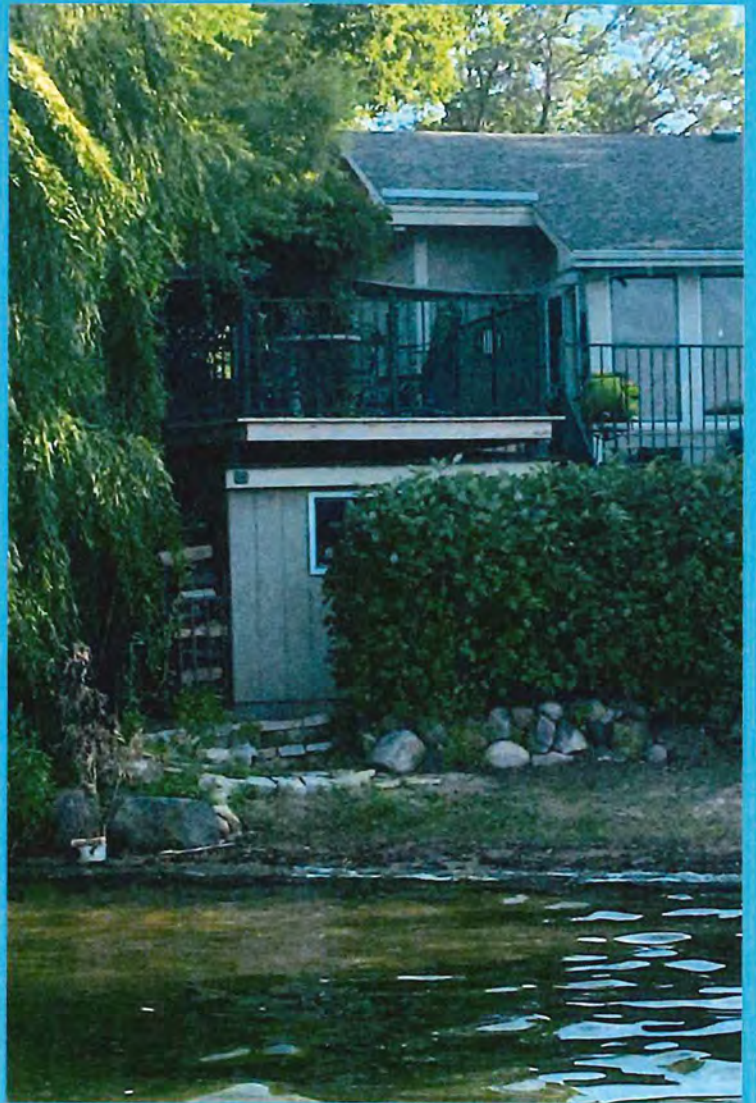


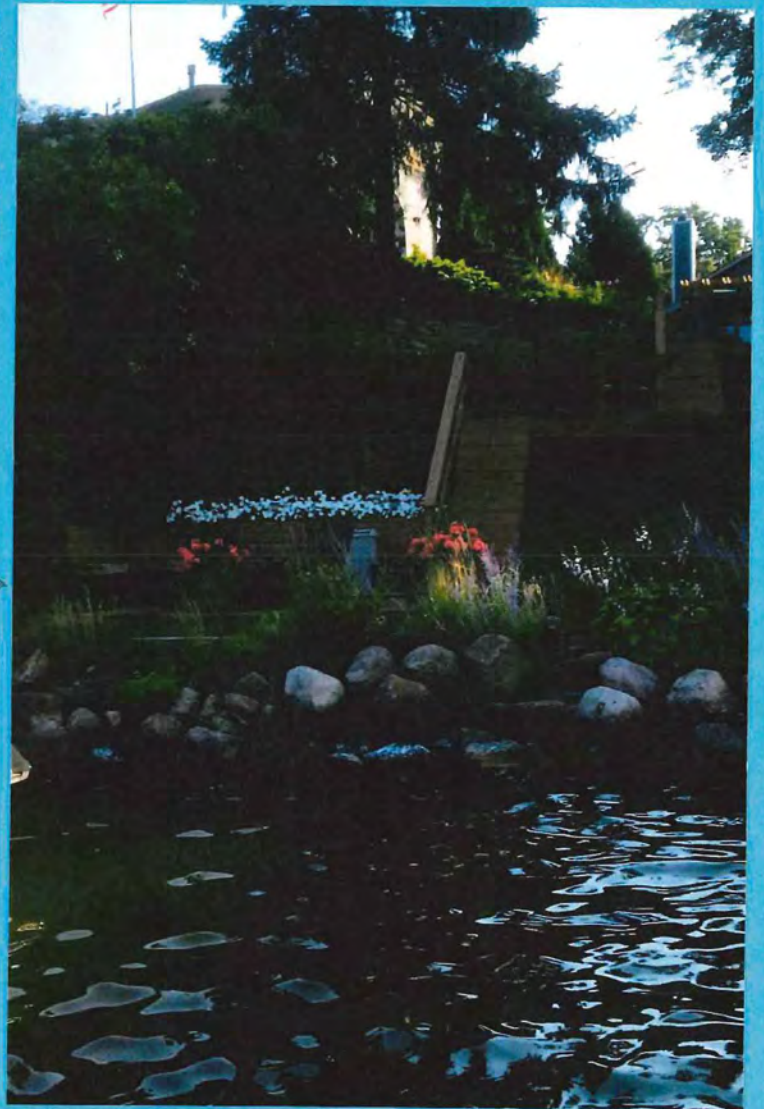


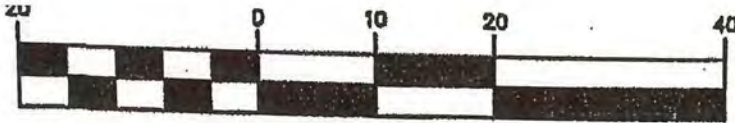












(IN FEET)
1 inch = 20 ft.

919.6 = DENOTES PROPOSED ELEVATIONS

X 919.6 = DENOTES EXISTING ELEVATIONS



**HARD COVER TABULATION:
EXISTING HARDCOVER**

House	1,418 Sq. Ft.
Existing Garage	549 Sq. Ft.
Existing Shed	102 Sq. Ft.
Driveway	1,874 Sq. Ft.
Concrete	1,020 Sq. Ft.
TOTAL EXISTING HARDCOVER	4,963 Sq. Ft.

AREA OF LOT 21,405 Sq. Ft.

% HARDCOVER 23%

**HARD COVER TABULATION AFTER PROJECT:
EXISTING HARDCOVER**

House	1,418 Sq. Ft.	+ 250 Pavers
Existing Garage	549 Sq. Ft.	+ 440
Existing Shed	102 Sq. Ft.	
Driveway	1,874 Sq. Ft.	+ 378
Concrete	1,020 Sq. Ft.	+ 208
TOTAL EXISTING HARDCOVER	4,963 Sq. Ft.	

House -1,418 Sq. Ft.
Proposed House +1,498 Sq. Ft.
HARDCOVER AFTER PROJECT 5,043 Sq. Ft. + 1026 =

AREA OF LOT 21,405 Sq. Ft.

% HARDCOVER 23.6% 29.7%

id
ng
7.4
ees
rein,
0
Lot

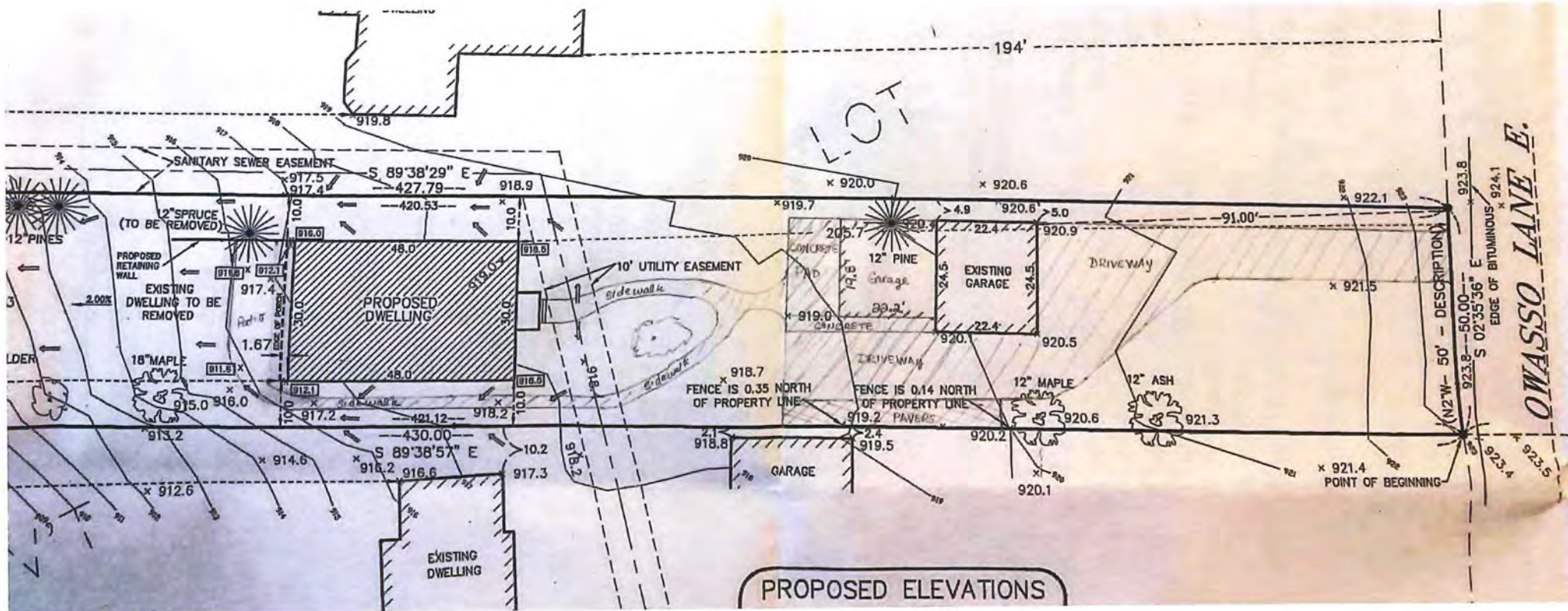
illel
ent

nat it

r use
ver

e
ou
arty.

Handwritten notes:
23.6%
29.7%
5,043



DESIGN PROPSAL

nelco landscaping

Friday, July 21, 2017

PROJECT SUMMARY:

This proposal is for the design for Shantel and Peter Rivard 212 E. Owasso Ln, Shoreview, MN

DESIGN PROPOSAL:

- Entire property 24" x 36" scaled design with sectioned 11" x 17" scaled designs for easier printing.
- Detailed and full color design for ease of installation.
- Planting schedule with ID, Scientific name, Common name, and plant quantities.
- Materials schedule for hardscape features with locations on design.

PROJECT NOTES:

This design is for the shoreline project from the neighbors dock to the deck structure. It will also be located under the deck a bit. We will be using DNR section drawing for the rip rap and planting with native plants. The design will run from the water's edge to the angled corner of the deck.

ADDITIONAL SERVICES:

- Re-designs are welcomed at \$65.00 per hour.
- Maintenance plan for all proposed plants - \$130.00

COST:

Design Proposal: \$420
Additional Services: \$0

Total: \$420

BID ACCEPTED: Shantel Rivard

DATE: July 24, 2017

Questions or Comments?

Please feel free to call, email or text

bnelson@nelcolandscaping.com

651.269.5238

MEMORANDUM

DATE: August 14, 2017
TO: Aaron Sedey
FROM: Joseph Kelly
RE: 212 Owasso Lane E

ISSUES

Application for variances at 212 Owasso Lane

DISCUSSION

A variance may be granted if enforcement of a zoning ordinance provision as applied to a particular piece of property would cause the landowner "practical difficulties." Minn. Stat. § 462.357, subd. 6(2) and Shoreview City Code 203.070. "Practical difficulties" means that the property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance; the plight of the landowner is due to circumstances unique to the property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. *Id.* Variances must also only be permitted when they are in harmony with the general purposes and intent of the ordinance and the variances are consistent with the comprehensive plan. Ultimately the City must evaluate and make findings as to the following:

1. Is the variance in harmony with the purposes and intent of the ordinance?
2. Is the variance consistent with the comprehensive plan?
3. Does the proposal put property to use in a reasonable manner?
4. Are there unique circumstances to the property not created by the landowner?
5. Will the variance, if granted, alter the essential character of the locality?

The variances requested are as follows:

1. To exceed the maximum allowed one water-oriented structure; 2 proposed with total area of both structures being 485.7 square feet.
2. To exceed the maximum 25% impervious surface allowed; 29.7% proposed
3. To exceed the structure setback from the ordinary high water line; 0 feet proposed (deck)
4. To exceed the 250 square feet in area for a water oriented structure, 383.7 square feet proposed (deck)
5. To exceed not wider than 12 feet as viewed from the water; 20.8 feet proposed (deck)
6. To reduce side yard setback from property line from 20 feet to 0 feet proposed (deck)
7. To reduce the side yard setback from property line from 20 feet to 3.8 feet proposed (shed)

I will focus my analysis on the three statutory/ordinance prongs.

- I. PRACTICAL DIFFICULTIES
 - A. REASONABLE MANNER

In reviewing a requested variance, the City must determine whether the landowner's request is one that allows the property to be used in a particular reasonable way that is not allowed under the ordinance. The City must review each intended use and find whether it is a reasonable use.

B. UNIQUE CIRCUMSTANCES NOT CREATED BY THE LANDOWNER

The second factor is that the landowner's problem is due to circumstances unique to the property not caused by the landowner. Generally, this means the physical characteristics of the piece of property, rather than the personal characteristics or preferences of the landowner. The focus on this factor is whether there is something physically unique about this piece of property (i.e., sloping topography or wetlands).

The slope of the property is one of the justifications for the variance request. The documentation provided shows that the elevation change is 917 at the edge of the dwelling to 897 at the north eastern corner of the shed to 892 at the western edge of the shed. A review of the pictures shows that the shed is cut into the slope.

The application mentions structures that were illegally built eight years ago by the prior owner. Those, specifically, are circumstances created by the landowner and should not be considered in favoring this factor of the test.

C. NOT ALTER THE ESSENTIAL CHARACTER OF THE LOCALITY

The City should consider whether the resulting structure will be out of scale, out of place, or otherwise inconsistent with the surrounding area. The City should review other similar structures in the area to determine whether the requested use is consistent. The City should look at other lakeside decks, their sizes and locations. If the City is satisfied that the requested variances are consistent with the character of the neighborhood, then this prong of the test is satisfied.

II. ADDITIONAL COMMENTS

A. ECONOMIC CONDITIONS

"Economic considerations alone do not constitute practical difficulties," Minn. Stat. § 462.357, subd. 6 and Shoreview City Code 203.070(C)(3). The justification listed in paragraph 3(e) is solely addressing economic conditions. Therefore, it should not be the sole basis for granting the variance.

B. NEIGHBORHOOD OPINION

Neighborhood opinion alone is not a valid basis for granting or denying a variance request. While city officials may feel their decision should reflect the overall will of the residents, the task in considering a variance request is limited to evaluating how the variance application meets the statutory practical difficulties factors. Residents can often provide important facts that may help the city in addressing these factors, but unsubstantiated opinions and reactions to a request do not form a legitimate basis for a variance decision. If neighborhood opinion is a significant basis for the variance decision, the decision could be overturned by a court.

In the applicants' narrative, they include signed petitions from neighbors. However, these petitions are factually inaccurate in that they state "A permit was not obtained by the previous owner and does meet all the City of Shoreview Section 209.080 Codes." The requested variances do not, in fact meet the requirements under 209.080. If they did, variances would be unnecessary.

The City can use the documents to aid in addressing the factors; the petitions, however, should not be the basis for the decision.

C. PRIOR OWNER'S ACTS

Structures built without a building permit and without a variance do not gain legal status due to a property transfer. The applicant lists a number of justifications in support of their application based on the prior owner's actions. Justifications "a," "b," and "f" do not meet any of the criteria required by Minn. Stat. § 462.357 nor 203.070.

SUMMARY

In sum, it is a difficult situation for the City to review objectively. However, the City must reach its decision in a manner that is not arbitrary and capricious. The variances requested are all involving existing illegal structures. The transfer of property from one owner to another does not change the structures' status.

Sorensen, Jenifer (DNR) <jenifer.sorensen@state.mn.us>
To: Aaron Sedey <asedey@shoreviewmn.gov>

Tue, Aug 15, 2017 at 6:36 PM

Aaron –

From the photos you sent, it sure looks like this deck (at least part) is hanging over the ordinary high water (OHW) elevation of 887.54 feet (vertical datum NGVD 1929), and if so, this would be a public waters violation. Structures like decks cannot extend out beyond the OHW elevation.

I think that as part of their application, they should be required to have a surveyor at least flag the location of the OHW elevation in relation to the deck, and have the surveyor send a photo showing the location of the OHW elevation relative to the deck.

Overall, this deck should not be located right on the shoreline line this – are detached decks allowed within the shore impact zone (SIZ) in Shoreview? A quick look at the City's code tells me they're not allowed. Also, the ordinance says that no water-oriented structure (other than a lawful boathouse) or off-season storage of an ice fishing house is permitted within the SIZ, and if the OHW setback is waived (due to practical difficulty), the structures cannot be less than 10 feet from the OHW. If there is no practical difficulty in moving both the shed and the deck back, then I see no reason that a variance for the shed and deck should be approved.

What is the City's position on this request?

Thanks for checking in with me on this – please keep me informed as I want to make sure that construction of this deck has not created a public waters violation.

Jen

Jenifer Sorensen

East Metro Area Hydrologist (Ramsey and Washington Counties)

Division of Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St Paul, MN 55106

Phone: 651-259-5754

Email: jenifer.sorensen@state.mn.us



Aaron Sedey <asedey@shoreviewmn.gov>

Rivard Property 212 E. Owasso Lane

3 messages

Mary Tragiai <tragiain@aol.com>

Mon, Aug 14, 2017 at 5:32 AM

To: asedey@shoreviewmn.gov

Cc: Shantel Rivard <shantelrivard@gmail.com>, Paul Tragiai <PTragiai@mcgough.com>

Comments regarding the variance application for Peter and Shantel Rivard.

We live directly next to the Rivard's on Lake Owasso and are in favor of, and fully support the retention of the deck and shed in the current locations. The structures were there when they purchased the property. The shed is in a good location, it is well maintained and not unlike most structures around the lake. The deck was becoming unsafe and in need of repair and the Rivard's were providing the necessary maintenance to keep it safe. The deck offers a safe, flat area for the Rivards and their family to enjoy the lakeshore. These types of structures are commonly found around Lake Owasso and not at all out of the ordinary. We appreciate that the Rivards maintain their property and keep structures from blocking lake views. The Rivards should not be penalized for maintaining existing structures that were there when they purchased the property. We are strongly in favor of granting the requested variances to properly maintain the existing deck and keep the location of the shed in the current location.

Mary and Paul Tragiai
206 E. Owasso Lane

212 owasso In e

2 messages

Kim <kim.a.donahue@gmail.com>

Wed, Aug 16, 2017 at 9:06 AM

To: asedey@shoreviewmn.gov

Cc: Jake Donahue <jacob.donahue@gmail.com>

The Rivard's are improving the existing structures. No concerns.
Jake and Kim Donahue

**PROPOSED MOTION
TO DENY**

MOVED BY COMMISSION MEMBER _____

SECONDED BY COMMISSION MEMBER _____

To adopt Resolution No. 17-52, denying the variance requests to retain two water oriented structures in current location and exceed the allowed impervious surface limit, submitted by Peter and Shantel Rivard for the property located at 212 Owasso LN E, subject to the following condition:

1. This denial is subject to a 5-day appeal period.

This action is based on the following findings:

1. The single family residence can still be used in a reasonable manner with only one of the current water oriented structures brought into conformance with setbacks regulated by the code.
2. The plight of the property owner is not due to circumstances unique to the property but due to the previous owners actions. There is nothing unique to this property that warrants two water-oriented structures that are non-conforming to the Shoreland District requirements.
3. The majority of properties on the east side of Lake Owasso appear to have either no water oriented structures or only one. Most appear to be setback from the lake and adjoining property lines. The number of water oriented structures and their location on the applicant's property is not in keeping with the character of the neighborhood.

VOTE: AYES: NAYES:

Regular Planning Commission Meeting
August 22, 2017

